অপরাধ
সংক্রান্ত আইন-
বিচারক নাজমুল হাসান
THE PENAL CODE
CRIMINAL PROCEDURE CODE
EVIDENCE ACT
সহজ ভাষায়
আইন ব্যাখ্যা
বাস্তব উদাহরণ ও
বিচার বিশ্লেষণ
আপডেট আইন
ও বিধি সংকলন
আইন জানুন,
অধিকার সচেতন হন

DEDICATION

Dedicated to my teachers at **Bogura Cantonment Public School and College**, whose wisdom, mentorship, and unwavering encouragement laid the cornerstone of my academic journey. Your guidance was instrumental in shaping the foundation upon which my career in the judiciary is built. I remain profoundly grateful for the lessons learned and the paths you helped me forge toward success.

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Author’s Preface

The primary prerequisite for success in the Bangladesh Judicial Service (BJS) examination is a complete mastery of the **Bare Acts**. A meticulous analysis of every section and sub-section of the law is what sets a candidate apart from the rest. Recognizing this necessity, the compilation **"Laws Relating to Crimes"** has been developed.

This e-book compiles **every single section** of the relevant criminal laws without any abridgment or omission. Often, candidates focus only on the "most important" sections and inadvertently skip smaller but significant portions, which can lead to difficulties in the examination. To eliminate that risk, the full text of the laws has been presented here to ensure there are no gaps in a candidate's preparation.

Key Features of this Compilation:

- **Comprehensive Collection:** Every section of the relevant laws is included accurately and in its entirety.
- **Reliable Sources:** Every part has been prepared in accordance with the original Gazette and the latest legislative amendments.
- **Easy Reference:** It serves as a 'one-stop' solution so that candidates do not need to consult multiple sources for the full text of the laws during preparation or rapid revision.

As a judge, I believe that understanding the depth of every word in the law is vital for a judicial career. I hope this comprehensive compilation will be regarded as a trusted companion for BJS candidates and legal professionals alike.

Wishing everyone great success-

Judge Nazmul Hasan

11th BJS (7th Merit Position, Prime Minister Gold Medalist)

Senior Judicial Magistrate/Senior Civil Judge.

Bangladesh Judiciary.

About the Author

Judge Nazmul Hasan

Senior Judicial Magistrate & Senior Civil Judge, 11th BJS.

Judge Nazmul Hasan is a distinguished member of the **11th Bangladesh Judicial Service (BJS)**, currently presiding over complex civil and criminal litigation as a Senior Civil Judge /Senior

Judicial Magistrate. With nearly a decade of experience on the bench, Judge Hasan brings a rare and sought-after perspective to the legal world: the "Jurist-Led Analysis." He is not merely a scholar of the law, but a practitioner who navigates the delicate intersection of national sovereignty and international legal standards daily.

Academic Excellence & Distinguished Honors

A scholar of the highest caliber, Judge Hasan's academic trajectory is marked by historic achievements. He secured **7th position** in the competitive 11th BJS national merit list and holds a **First Class First (LL.B. Hons)** and a **First Class (LL.M)** from the University of Rajshahi, Bangladesh. His commitment to legal excellence has been recognized by the highest levels of the State, earning him the prestigious **Prime Minister Gold Medal (2017)** and the **Agrani Bank Gold Medal for Academic Excellence (2023)**.

Judge Hasan is a pioneer in the digitalization of legal knowledge in Bangladesh. He is the author of the widely acclaimed e-book, *"Comprehensive Strategy for Excelling in the 18th BJS Examination,"* the first of its kind in the country. He also authored the landmark e-book *"Bhumi Swatwa o Suraksha" (Land Rights and Protection),* a comprehensive 27-step guide that bridges the gap between complex property law and public understanding.

A Global Authority in International Commercial Arbitration

Beyond the bench, Judge Hasan is recognized as a preeminent expert in **International Commercial Arbitration (ICA)**. His research focuses on the "Language of Certainty" required to harmonize domestic statutory frameworks with global arbitral dynamics. As a prolific researcher, his contributions to the global legal discourse are accessible through a vast digital footprint. His

authoritative works and e-books on ICA and the BJS are widely cited and hosted on prestigious global platforms, including:

- **SSRN & Academia.edu:** For cutting-edge jurisprudential research.
- **Legal Service India:** For authoritative scholarship and articles specifically focused on the advancements and complexities of International Commercial Arbitration.
- **Internet Archive & PubHTML5:** For comprehensive, open-access legal guides.
- **Scribd & SlideShare:** For strategic frameworks on international dispute resolution.

The Judicial Sentinel

In his latest masterwork, *"The Judicial Sentinel: Navigating the Nexus of National Courts and International Commercial Arbitration,"* Judge Hasan explores the "Architecture of Sovereignty." He argues that for arbitration to be effective, national courts must act as facilitators rather than inhibitors. This book is the culmination of his mission to provide a "Premium Toolkit" for global practitioners, advocates, and students who seek to understand how local laws-particularly in common law jurisdictions-impact the enforceability of international awards.

A Vision for the Future

As a visionary researcher, Judge Hasan is currently focused on the evolution of the *Lex Contractus* in the digital age, specifically regarding Smart Contracts in international trade. Beyond the bench, Judge Hasan remains a tireless steward of a harmonized global legal order. His research and judicial philosophy are dedicated to refining the intersections of **International Commercial Arbitration**, **International Commerce**, **International Trade**, and **International Investment Law**.

By synthesizing these four pillars, he seeks to create a more predictable and equitable environment for cross-border economic activity. His forward-thinking approach balancing the protection of foreign investment with the preservation of national statutory integrity-establishes him as one of the most compelling and authoritative voices in contemporary International Economic Law.

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The Code of Criminal Procedure, 1898.

The Code of Criminal Procedure, 1898

(ACT NO. V OF 1898)

[22nd March, 1898]

♠An Act to consolidate and amend the law relating to the Criminal Procedure.

WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows:

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The Code of Criminal Procedure, 1898

(ACT NO. V OF 1898)

[22nd March, 1898]

♠An Act to consolidate and amend the law relating to the Criminal Procedure.

WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows:

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PART I

PRELIMINARY

CHAPTER I

Short title Commencement

The Code of Criminal Procedure, 1898.

1.(1) This Act may be called the Code of Criminal Procedure, 1898; and it shall come into force on the first day of July, 1898.

Extent

(2) It extends to the whole of Bangladesh; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special [1][* * *] law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force.

Repealed

2. [Repealed by the Repealing and Amending Act, 1914 (Act No. X of 1914).]

(1) Omitted

3.(1) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

(2) Expressions in former Acts

(2) In every enactment passed before this Code comes into force the expressions "Officer exercising (or 'having') the powers (or 'the full powers') of a Magistrate," "Subordinate Magistrate, first class," and "Subordinate Magistrate, second class," shall respectively be deemed to mean "Magistrate of the first class," "Magistrate of the second class" and "Magistrate of the third class," [2][***] the expression "Magistrate of the district" shall be deemed to mean "District Magistrate," [3][***].

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Words referring to acts

(2) Words which refer to acts done, extend also to illegal omissions; and

Words to have same meaning as in Penal Code

all words and expressions used herein and defined in the Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

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Definitions

4.(1) In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:-

[4][(a) "advocate", used with reference to any proceeding in any Court, means an advocate or a mukhtar authorised under any law for the time being in force to practise in any such Court and includes any other person appointed with the permission of the Court to act in such proceeding;

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(aa) "Attorney-General" means the Attorney-General for Bangladesh, and includes also the Additional Attorney-General, the Deputy Attorney-General or the Assistant Attorney-General for Bangladesh, or, a Government advocate or such officer as the Government may, from time to time, appoint in this behalf:]

(b) "bailable offence" means an offence shown as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence:

(c) "charge" includes any head of charge when the charge contains more heads than one:

(d) [Repealed by section 3 and Schedule II of the Repealing and Amending Act, 1923 (Act No. XI of 1923).]

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(e) Clerk of the State includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the State:

(f) "cognizable offence" means an offence for, and "cognizable case" means a case in, which a Police-officer, may, in accordance with the second schedule or under any law for the time being in force, arrest without warrant:

(g) [Omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

(h) "complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person whether known or unknown, has committed an offence, but it does not include the report of a police-officer:

[5][(hh) "Court of Session" includes a Metropolitan Court of Session;]

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(i) [Omitted by the Schedule of the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950).]

[6][(j) "High Court Division" means the High Court Division for criminal appeal or revision:]

(k) "inquiry" includes every inquiry other than a trial conducted under this Code by a Magistrate or Court:

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(l) "investigation" includes all the proceedings under this Code for the Collection of evidence conducted by a police-officer or by any person (other than a Magistrate) who is authorised by Magistrate in this behalf:

(m) "judicial proceeding" includes any proceeding in the course of which evidence is or may be legally taken on oath:

(n) "non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a police-officer, may not arrest without warrant:

(o) "offence" means any act or omission made punishable by any law for the time being in force;

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it also includes any act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871:

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(p) "officer in charge of a police-station" includes, when the officer in charge of the police-station is absent from the station-house or unable from illness or other cause to perform his duties, the police-officer present at the station house who is next in rank to such officer and is above the rank of constable or, when the Government so directs, any other police-officer so present:

(q) "place" includes also a house, building, tent and vessel:

(r) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)]:

(s) "police-station" means any post or place declared, generally or specially, by the Government to be a police-station, and includes any local area specified by the Government in this behalf:

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(t) "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor [7][* * *]:

[8][(u) "Upazila" means a Upazila as defined in the Upazila Parisad Act, 1998 (Act. No. 24 of 1998)]

(v) and (w) [Omitted by section 2 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).]

Construction of references.

[9][4A. (1) In this Code, unless the context otherwise requires, any reference-

(a) without any qualifying word, to a Magistrate, shall be construed as a reference to a Judicial Magistrate;

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(b) with a qualifying word not being a word clearly indicating a Judicial Magistrate shall be construed as a reference to a Magistrate as indicated in sub-section (2) (b);

(c) to a Sub-divisional Magistrate shall be construed as a reference to-

(i) the District Magistrate if the functions exercisable are of the nature specified in clause (b) of sub-section (2); or

(ii) the Chief Judicial Magistrate or as the case may be, the Chief Metropolitan Magistrate, if the functions exercisable are of the nature specified in clause (a) of sub-section (2);

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(d) to an Assistant Sessions Judge, shall be construed as a reference to a joint Sessions Judge;

(e) to any area which is included in a Metropolitan area, shall be construed as a reference to such Metropolitan area;

(f) to any reference to a Magistrate of the first, second or third class in relation to an area which is included in a Metropolitan area, shall be construed as a reference to the Metropolitan Magistrate exercising jurisdiction in that area;

(g) to a Magistrate of the first, second or third class in relation to an area outside a Metropolitan Area, shall be construed as a reference to a Judicial Magistrate of the first, second or third class exercising jurisdiction in that area.

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(2) Where, under any law for the time being in force other than this Code, the functions exercisable by a Magistrate relate to matters-

(a) which involve the appreciation or sifting of evidence or the formulation of any decision which exposes any person to any punishment or penalty of detention in custody pending investigation, inquiry or trial or other proceeding or would have the effect of sending him for trial before any Court, they shall subject to the provision of the Code, be exercisable by a judicial Magistrate; or

(b) which are administrative or executive in nature, such as the granting of a licence, the suspension or cancellation of a licence, sanctioning a prosecution or withdrawing from a prosecution, they shall, subject as aforesaid, be exercisable by an Executive Magistrate.]

Trial of offences under Penal Code

5.(1) All offences under the Penal Code shall be investigated, inquired into, tried, and otherwise dealt with according to the provisions hereinafter contained.

Trial of offences against other laws

(2) All offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences.

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PART II

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES

The Code of Criminal Procedure, 1898.

CHAPTER II

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES

A.-Classes of Criminal Courts

Classes of Criminal Courts

[10][6.(1) Besides the Supreme Court and the Courts constituted under any law for the time being in force, other than this Code, there shall be two classes of Criminal Courts in Bangladesh, namely:-

(a) Courts of Sessions ; and

(b) Courts of Magistrates.

(2) There shall be two classes of Magistrate, namely: -

(a) Judicial Magistrate; and

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(b) Executive Magistrate.

(3) There shall be four classes of judicial Magistrate, namely: -

(a) Chief Metropolitan Magistrate in Metropolitan Area and Chief judicial Magistrate to other areas;

(b) Magistrate of the first class, who shall in Metropolitan area, be known as Metropolitan Magistrate;

(c) Magistrate of the second class; and

(d) Magistrate of the third class.

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Explanation: For the purpose of this sub-section, the word "Chief Metropolitan Magistrate" and "Chief judicial Magistrate" shall include "Additional Chief Metropolitan Magistrate" and "Additional Chief judicial Magistrate" respectively.]

B. -Territorial Divisions

Sessions divisions and districts

7.(1) Bangladesh shall consist of sessions divisions: and every sessions division shall, for the purposes of this Code, be a district or consist of districts.

Power to alter divisions and districts

(2) The Government may alter the limits or the number of such divisions and districts.

Existing divisions and districts maintained till altered

. (3) The sessions divisions and districts existing when this Code comes into force shall be sessions divisions and districts respectively, unless and until they are so altered.

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[11][(4) [12][A] Metropolitan Area shall, for the purposes of this Code, be deemed to be a sessions division.]

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Power to divide districts into Upazilas etc

[13][8. The Government may divide a district into Upazilas and, by notification in the official Gazette, fix or alter the limits of a Upazila or merge the areas of more than one Upazila into one Upazila and in so fixing, altering or merging, the Government shall ensure that the area of a Upazila is identical with the local area included in a Police Station.]

Existing sub-divisions maintained

(2) All existing sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

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C.-Courts and Offices

Court of Sessions

9.(1) The Government shall establish a Court of Session for every sessions division, and appoint a judge of such Court [14][; and the Court of Session for [15][a] Metropolitan Area shall be called the Metropolitan Court of Session.]

(2) The Government may, by general or special order in the official Gazette, direct at what place or places the Court of Session shall hold its sitting; but, until such order is made, the Courts of Session shall hold their sittings as heretofore.

(3) The Government may also appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

[16][***]]

[17][(3A) The members of the Bangladesh Judicial Service shall be appointed as Sessions Judge, Additional Sessions Judge and Joint Sessions Judge in accordance with the rules framed by the President under the proviso to Article 133 of the constitution to exercise jurisdiction in one or more of such areas.]

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(4) A Sessions Judge of one sessions division may be appointed by the Government to be also an Additional Sessions Judge of another division, and in such case he may sit for the disposal of cases at such place or places in either division as the Government may direct.

(5) All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

Executive Magistrates

[18][10.(1) In every district and in every Metropolitan Area, the Government shall appoint as many persons as it thinks fit to be

Executive Magistrates and shall appoint one of them to be the District Magistrate.

(2) The Government may also appoint any Executive Magistrate to be an Additional District Magistrate, and such Additional District Magistrate shall have all or any of the powers of a District Magistrate under this Code or under any other law for the time being in force, as the Government may direct.

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(3) Whenever in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive in the administration of the district, such officer shall, pending the orders of the Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

(4) The Government may, or subject to the control of the Government, the District Magistrate may, from time to time, by order define local areas within which the Executive Magistrate may exercise all or any of the powers with which they may be invested under this Code and, except as otherwise provided by such definition, the jurisdiction and powers of every such Executive Magistrate shall extend throughout the district.

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(5) The Government may, if it thinks expedient or necessary, appoint any persons employed in the Bangladesh Civil Service (Administration) to be an Executive Magistrate and confer the powers of an Executive Magistrate on any such member.

(6) Subject to the definition of the local areas under sub-section (4) all persons appointed as Assistant Commissioners, Additional Deputy Commissioners or Upazila Nirbahi Officer in any District or Upazila shall be Executive Magistrates and may exercise the power of Executive Magistrate within their existing respective local areas.

(7) Nothing in this section shall preclude the Government from conferring, under any law for the time in force, on a Commissioner of Police, all or any of the powers of an executive Magistrate in relation to a Metropolitan area.]

Judicial Magistrates

[19][11. (1) In every district outside a Metropolitan Area, the Chief Judicial Magistrates, Additional Chief Judicial Magistrates and other Judicial Magistrates shall be appointed from the persons employed in the Bangladesh Judicial service in accordance with the rules framed by the President under the proviso to Article 133 of the constitution.

(2) An Additional Chief Judicial Magistrate shall have all or any of the powers of the Chief Judicial Magistrate under this Code or any other law for the time being in force, as the Government may direct.

[20][(2A) The Government may, by general or special order in the official Gazette, direct at what place or places the Court of Chief Judicial Magistrate, Additional Chief Judicial Magistrate and other Judicial Magistrates shall hold its sitting.]

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(3) The Government may, or subject to the general or special orders issued by the Government in consultation with the High Court Division, the Chief Judicial Magistrate may, from time to time, define local areas within which the Judicial Magistrates may exercise all or any of the powers with which they may be invested under this Code, and except as otherwise provided by such definition, the jurisdiction and powers of every such Magistrate shall extend throughout the district.

(4) Notwithstanding anything contained in this section, the Government may require any Executive Magistrate to perform the functions of a Judicial Magistrate for a period to be determined in consultation with the High Court Division and during such period, the Magistrate shall not perform the functions of an Executive Magistrate.]

Special Magistrate

[21][12. (1) The Government may confer upon any person all or any of the powers conferred or conferrable by or under this Code on an Executive Magistrate in respect of particular cases or a particular class or classes of cases, or in regard to cases generally in any local area outside a Metropolitan area:

Provided that no power shall be conferred under the sub-section on any police officer below the grade of an Assistant Superintendent of Police and no powers shall be conferred on a such police

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officer except so far as may be necessary for preserving the peace, preventing crime and detecting apprehending and detaining offenders, in order to bring the offender before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

(2) The persons on whom the powers under sub-section (1) are conferred shall be called Special Executive Magistrates and shall be appointed for such term as the Government may by general or special order direct.

(3) The Government may, in consultation with the High Court Division confer upon any Magistrate all or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate of the first, second or third class in respect of particular cases or a particular class or classes of cases or in regard to cases generally in any local area outside a Metropolitan area.

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(4) The Magistrate on whom the powers under sub-section (3) are conferred shall be called Special Magistrates and shall be appointed for such term as the Government may, in consultation with the High Court Division, by general or special order direct.

(5) The Government may in consultation with the High Court Division confer upon any Metropolitan Magistrate all or any of the powers conferred or conferrable by or under this Code on Metropolitan Magistrate in respect of particular cases or a particular class or classes, or in regard to cases generally in any Metropolitan Area.

(6) The persons on whom the powers under sub-section (5) are conferred shall be called Special Metropolitan Magistrates and shall be appointed for such term as the Government may in consultation with High Court Division by general or special order direct.]

Benches of Magistrates

15.(1) The Government may direct any two or more Magistrates in any place [22][outside [23][a] Metropolitan Area] to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or, such classes of cases only, and within such local limits, as the Government thinks fit.

Powers exercisable by Bench in absence of special direction

(2) Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members, who is present taking part in the proceedings as a member of the Bench, belongs, and

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as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Power to frame rules for guidance of Benches

16. The Government may, or, subject to the control of the Government, the [24][Chief Judicial Magistrate] may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any district respecting the following subjects:-

(a) the classes of cases to be tried;

(b) the times and places of sitting;

(c) the constitution of the Bench for conducting trials;

(d) the mode of settling differences of opinion which may arise between the Magistrates in session.

Subordination of Executive,Judicial and Metropolitan Magistrates.

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The Code of Criminal Procedure, 1898.

[25][17. (1) All Executive Magistrate appointed under section 10 and 12 (1) shall be subordinate to the District Magistrate who, from time to time, give special order consistent with this Code as to the distribution of business among such Magistrates.

(2) All Judicial Magistrates appointed under section 11 and 12 (3) and all Benches constituted under section 15 shall be subordinate to the Chief Judicial Magistrate who may, from time to time give special orders consistent with this Code and rules made by the Government under section 16 as to the distribution of business among Magistrates and Benches.

(3) All Metropolitan Magistrates including Additional Chief Metropolitan Magistrate, and Special Metropolitan Magistrate appointed under section 12 (5) and Benches constituted under section 19, shall be subordinate to the chief Metropolitan Magistrate, who may, from time to time, give special orders consistent with this Code and rules made by the Government under section 16 as to the distribution of business among such Magistrates and Benches.

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(4) All Judicial Magistrates including the Chief Judicial Magistrate shall be subordinate to the Sessions Judge and all Metropolitan Magistrates including the Chief Metropolitan Magistrate shall be subordinate to the Metropolitan Sessions Judge.

Subordination of Joint Sessions Judges

[26][17A. (1) All Joint Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and the Sessions Judge may, from time to time, make rules or give special orders consistent with this Code as the distribution of business among such joint Sessions Judges.

(2)The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Joint Sessions Judge and such Judge shall have jurisdiction to deal with any such application.]

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D.-Courts of Metropolitan Magistrates

Appointment of Metropolitan Magistrates

The Code of Criminal Procedure, 1898.

18. [27][(1) In every Metropolitan Area, the Chief Metropolitan Magistrate, Additional Chief Metropolitan Magistrate and other Metropolitan Magistrates shall be appointed from among the persons employed in the Bangladesh judicial Service.]

(2) The Government may appoint one or more Additional Chief Metropolitan Magistrates, and such Additional Chief Metropolitan Magistrates shall have all or any of the powers of the Chief Metropolitan Magistrate under this Code or under any other law for the time being in force, as the Government may direct.

[28][***]

Benches

19. Any two or more of Metropolitan Magistrates may, subject to the rules made by the Chief Metropolitan Magistrate, sit together as Bench.

Local limits of jurisdiction

20. Every Metropolitan Magistrate shall exercise juris-diction in all places within [29][a] Metropolitan Area for which he is appointed.

Chief Metropolitan Magistrate

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The Code of Criminal Procedure, 1898.

21.(1) The Chief Metropolitan Magistrate shall exercise within the local limits of his jurisdiction all the powers [30][conferred on him or on a Metropolitan Magistrate under this Code, or under any law for the time being in force] and may, from time to time, with the previous sanction of the Government, make rules consistent with this Code to regulate-

(a) the conduct and distribution of business and the practice in the Courts of Metropolitan Magistrates;

(b) the constitution of Benches of Metropolitan Magistrates;

(c) the times and places at which such Benches shall sit;

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(d) the mode of settling differences of opinion which may arise between Metropolitan Magistrates in session; and

(e) any other matter which could be dealt with by a [31][Chief Judicial Magistrate] under his general powers of control over the Magistrates subordinate to him.

[32][***]

E.-Justices of the Peace

Justice of the peace for the mafassal

22. [33][The Government] may, by notification in the official Gazette, appoint such persons resident within Bangladesh and not being the subjects of any foreign State as it thinks fit to be Justices of the Peace within and for the local area mentioned in such notification.

Repealed

23 and 24. [Repealed by section 4 of the Criminal Law Amendment Act, 1923 (Act No. XII of 1923).]

Ex-officio Justices of the Peace.

25. In virtue of their respective offices, the Judges of the [34][Supreme Court] are Justices of the Peace within and for of the whole of Bangladesh, Sessions Judges, [35][Chief Judicial Magistrate] and Metropolitan Magistrates] are Justices of the Peace within [36][their respective jurisdictions].

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The Code of Criminal Procedure, 1898.

F.-Suspension and Removal

Repealed

26 and 27. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

CHAPTER III

POWERS OF COURTS

A.-Description of Offences cognizable by each Court

Offences under Penal Code

28. Subject to the other provisions of this Code any offence under the Penal Code may be tried-

(a) by the High Court Division, or

(b) by the Court of Session, or

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(c) by any other Court by which such offence is shown in the eighth column of the second schedule to be triable.

Illustration

A is [37][tried by] the Sessions Court on a charge of culpable homicide. He may be convicted of voluntarily causing hurt, an offence triable by a Magistrate.

Offences under other laws

29.(1) Subject to the other provisions of this Code, any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

(2) When no Court is so mentioned, it may be tried [38][* * *] subject as aforesaid by any Court constituted under this Code by which such offence is shown in the eighth column of the second schedule to be triable.

Omitted

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29A. [Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950).]

Jurisdiction in the case of juveniles

[39][29B. Any offence, other than one punishable with death or transportation for life, committed by any person who at the date when he appears or is brought before the Court is under the age of fifteen years, may be tried by [40][Chief Judicial Magistrate] [41][or the Chief Metropolitan Magistrate], or by any Magistrate specially empowered by the Government to exercise the powers conferred by [42][or under any law] providing for the custody, trial or punishment of youthful offenders, by any Magistrate empowered by or under such law to exercise all or any of the powers conferred thereby.]

Offences not punishable with death

[43][29C. Notwithstanding anything contained in section 29, the Government may [44][in consultation with the High Court Division]-

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(a) invest the [45][Chief Metropolitan Magistrate,] [46][Chief Judicial Magistrate or any Additional Chief Judicial Magistrate] with power to try as a Magistrate all offences not punishable with death;

(b) invest [47][Metropolition Magistrate or] any Magistrate of the first class with power to try as a Magistrate all offences not punishable with death or with transportation or with imprisonment for a term exceeding ten years.]

Omitted

30. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

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B.-Sentences which may be passed by courts of various Classes

Sentences which High Court Division and Sessions Judges may pass

31.(1) [48][The High Court Division] may pass any sentence authorized by law.

(2) A Sessions Judge or Additional Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court Division.

(3) A [49][Joint] Sessions Judge may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding [50][ten] years or of imprisonment for a term exceeding [51][ten] years.

[52][***]

Sentences which Magistrates may pass

32.(1) The Courts of Magistrates may pass the following sentences namely:-

(a) Courts [53][of Metropolitan Magistrates and] of Magistrates of the first class: Imprisonment for a term not exceeding [54][five years], including such solitary confinement as is authorized by law;

Fine not exceeding [55][five lac taka]; [56][***].

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(b) Courts of Magistrates of the second class: Imprisonment for a term not exceeding [57][three years], including such solitary confinement as is authorized by law;

Fine not exceeding [58][three lac taka];

(c) Courts of Magistrates of the third class: Imprisonment for a term not exceeding [59][two year];

Fine not exceeding [60][two lac taka].

(2) The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

Power of Magistrates to sentence to imprisonment in default of fine

33.(1) The Court of any Magistrate may award such terms of imprisonment in default of payment of fine as is authorized by law in case of such default:

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Proviso as to certain cases

Provided that-

(a) the term is not in excess of the Magistrate's powers under this Code;

(b) in any case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence, the period of imprisonment awarded in default of payment of the fine shall not exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

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(2) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

Higher powers of certain Magistrates

The Code of Criminal Procedure, 1898.

[61][33A. The Court of a Magistrate, specially empowered under section 29C, may pass any sentence authorized by law, except a sentence of death or of transportation or imprisonment for a term exceeding seven years.]

Omitted

34. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

Omitted

34A. [Omitted by Schedule of the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950).]

Sentence in cases of conviction of several offences at one trial

Maximum term of punishment

35.(1) When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 71 of the Penal Code sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict; such punishments, when consisting of imprisonment or transportation to commence the one after the expiration of the other in such order as the Court may direct, unless the Court directs that such punishments shall run concurrently.

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(2) In the case of consecutive sentences, it shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided as follows:-

(a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years;

(b) if the case is tried by a Magistrate [62][* * *], the aggregate punishment shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

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(3) For the purpose of appeal, the aggregate of consecutive sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

Deduction of imprisonment in cases where convicts may have been in custody

[63][35A.(1) Except in the case of an offence punishable only with death, when any court finds an accused guilty of an offence and, upon conviction, sentences such accused to any term of imprisonment, simple or rigorous, it shall deduct from the sentence of imprisonment, the total period the accused may have been in custody in the meantime, in connection with that offence.

(2) If the total period of custody prior to conviction referred to in sub-section (1) is longer than the period of imprisonment to which the accused is sentenced, the accused shall be deemed to have served out the sentence of imprisonment and shall be released at once, if in custody, unless required to be detained in connection with any other offence; and if the accused is also sentenced to pay any fine in addition to such sentence, the fine shall stand remitted.]

C.-Ordinary and Additional Powers

Ordinary powers of Magistrates

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The Code of Criminal Procedure, 1898.

36. All [64][Judicial and Executive Magistrate] have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers".

Additional powers conferrable on Magistrates.

[65][37. In addition to his ordinary powers, any Judicial or Executive Magistrate may be invested by the Government or the Chief Judicial Magistrate or the District Magistrate, as the case may be, with any powers specified in the schedule IV:

Provided that, the Government may authorize a District Magistrate to invest any Executive Magistrate subordinate to him with any of its powers specified in the schedule IV:

Provided further that any Judicial Magistrate may be invested with such additional powers in consultation with the High Court Division.]

Control of District Magistrates investing power

38. The power conferred on the District Magistrate by section 37 shall be exercised subject to the control of the Government.

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The Code of Criminal Procedure, 1898.

D.-Conferment, Continuance and Cancellation of Powers

Mode of conferring powers

39.(1) In conferring powers under this Code the Government may by order, empower persons specially by name or in virtue of their office or classes of officials generally by their official titles.

(2) Every such order shall take effect from the date on which it is communicated to the person so empowered.

Powers of officers appointed

40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is appointed to an equal or higher office of the same nature, within a like local area [66][***], he shall, unless the Government otherwise directs, or has otherwise directed, exercise the same powers in the local area in which he is so appointed.

Withdrawal of powers.

[67][41.(1)The Government may withdraw all or any of the powers conferred under this Code on any person by it or by any officer subordinate to it:

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Provided that where the conferring of a power is, under this code, required to be made in consultation with the High Court Division, the withdrawal thereof shall be made in consultation with that Court.

(2) Any powers conferred by the Chief Judicial Magistrate or the District Magistrate may be withdrawn by the chief Judicial Magistrate or the District Magistrate respectively.]

PART III

GENERAL PROVISIONS

CHAPTER IV

OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS

Public when to assist

42. Every person is bound to assist [68][any Magistrate whether Judicial or Executive] or police officer reasonably demanding his aid,-

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(a) in the taking or preventing the escape of any other person whom such Magistrate or police-officer is authorized to arrest;

(b) in the prevention or suppression of a breach of the peace, or in the prevention of any injury attempted to be committed to any railway, canal, telegraph or public property.

Aid to person, other than police-officer, executing warrant

43. When a warrant is directed to a person other than a police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Public to give information of certain offences

44.(1) Every person, aware of the commission of, or of the intention of any other person to commit any offence punishable under any of the following sections of the Penal Code (namely), 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 143, 144, 145, 147, 148, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or police-officer of such commission or intention.

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(2) For the purposes of this section the term "offence" includes any act committed at any place out of Bangladesh which would constitute an offence if committed in Bangladesh.

Village-headmen,accountants, landholders and others bound to report certain matters.

45.(1) Every village-headman, village-accountant, village watchman, village police-officer, owner or occupier of land, and the agent of any such owner or occupier in charge of the management of that land, and every officer employed in the collection of revenue or rent of land on the part of the Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate or to the officer in charge of the nearest police-station whichever is the nearer, any information which he may possess respecting-

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(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman , accountant, watchman or police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(b) the resort to any place within, or the passage through, such village of any person whom he knows, or reasonably suspects to be a thug, robber, escaped convict or proclaimed offender;

(c) the commission of, or intention to commit, in or near such village any non-bailable offence or any offence punishable under section 143, 144, 145, 147, or 148 of the Penal Code;

(d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances; or the discovery in or near such village of any corpse or part of a corpse, in circumstances which lead to a reasonable suspicion that such a death has occurred or the disappearance from such village of any person in circumstances which lead to a reasonable suspicion that a non-bailable offence has been committed in respect of such person;

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(e) the commission of, or intention to commit, at any place out of Bangladesh near such village any act which, if committed in Bangladesh, would be an offence punishable under any of the following sections of the Penal Code, namely, 231, 232, 233, 234, 235, 236, 237, 238, 302, 304,

382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, 460, 489A, 489B, 489C, and 489D;

(f) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Government, has directed him to communicate information.

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(2) In this section-

(i) "village" includes village-lands; and

(ii) the expression "proclaimed offender" includes any person proclaimed as an offender by any Court or authority established or continued by the Government in any part of Bangladesh, in respect of any act which if committed in Bangladesh, would be punishable under any of the

following sections of the Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.

Appointment of village-headman by District Magistrate [69][***] in certain cases for purposes of this section

(3) Subject to rules in this behalf to be made by the Government, the District Magistrate [70][***] may from time to time appoint one or more persons with his or their consent to perform the duties of a village-headman under this section whether a village-headman has or has not been appointed for that village under any other law.

CHAPTER V

OF ARREST, ESCAPE AND RETAKING

A.-Arrest generally

Arrest how made

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The Code of Criminal Procedure, 1898.

46.(1) In making an arrest the police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting endeavour to arrest

(2) If such person forcibly resists the endeavor to arrest him, or attempts to evade the arrest, such police-officer or other person may use all means necessary to effect the arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with [71][transportation for life].

Procedure of arrest and duties of officer making arrest

[72][46A. In making an arrest, the police-officer or other person making the same shall-

(a) bear an accurate, visible and clear identification of his name which will facilitate easy identification;

(b) disclose his identity and if demanded, shall show his identity card to the person arrested and to the persons present at the time of arrest;

(c) prepare a memorandum of arrest which shall be-

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(i)attested by at least one witness, who is a member of the family of the person arrested or a respectable inhabitant of the locality where the arrest is made and where no such witness is available, the reasons thereof be recorded in the memorandum;

(ii) countersigned or thumb-impressed by the person arrested if not refused by him;

(d) intimate, where the accused is arrested from a place other than his residence, to a family member, relative, or a friend nominated by the person arrested, as soon as practicable but not later than twenty four hours from the time of such arrest, notifying the time and place of arrest and the place of custody;

(e) ensure, if any mark of injury is found on the body of the person arrested, the examination and first aid treatment of the person by a medical officer or a registered medical practitioner, as the case may be, in accordance with section 46E; obtain a certificate from the attending medical officer or practitioner; and record the reasons for such injury;

(f) allow the person arrested, if he so desires, to consult a lawyer of his choice or to meet any of his nearest relation, preferably within twelve hours of such arrest.

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Entry of arrest in official register, general diary and providing information relating to arrest

46B. (1) An entry shall be made in the official register by the officer making the arrest, stating the ground of arrest, the name and particulars of the informant or complainant, the name and

particulars of the relative or friend, as the case may be, to whom information about the arrest has been given, and the name and particulars of the officer having custody of the person arrested.

(2) Every arrest made within the jurisdiction of a police-station shall be entered forthwith in the general diary of such station, and where the officer making the arrest is not attached to the said police-station, he shall, immediately after making such arrest, cause a copy of the memorandum of arrest to be furnished to the officer-in-charge of the said police-station, who shall thereupon cause an entry thereof to be made in the general diary.

(3) The officer responsible for maintaining the register or the general diary under sub-sections (1) and (2) shall, on demand, be bound to furnish information relating to such arrest to any relative, friend, or neighbour of the person arrested.

Designated Police-Officer for maintaining and displaying information of arrest

46C. District Superintendent of Police in every district, or Police Commissioner in every Metropolitan area, as the case may be, shall designate a police-officer not below the rank of an Assistant Sub-Inspector of Police in every district or Metropolitan headquarters and in every police station, for maintaining the information regarding the names and addresses of persons arrested and the nature of the offence for which they have been arrested; and such information shall be prominently displayed, preferably in digital form, at every police station and at the district or Metropolitan headquarters.

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The Code of Criminal Procedure, 1898.

Health and safety of arrested person

46D. It shall be the duty of the person having custody of an arrested person to take reasonable care of his health and safety.

Examination of arrested person by medical officer

46E. (1) When any person arrested appears to be sick or bears any mark of injury, he shall, soon after the arrest is made, be examined and provided with first aid treatment by a medical officer of a Government hospital; and if such medical officer is not available, by a registered medical practitioner:

Provided that where the arrested person is a female, the examination of her body shall, if practicable, be conducted by or under the supervision of a female medical officer or a female medical practitioner, or in the presence of a female staff nurse or a female attendant, as the case may be.

(2) Where an examination and treatment are conducted under sub-section (1), a certificate along with the report of such examination and treatment shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the concerned police-officer, as well as to the arrested person or to a person nominated by him.

(3) Where an arrested person, being sick or injured, is produced before the Magistrate, the Magistrate may pass necessary orders for his medical treatment:

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Provided that where the arrested person is severely injured or sick in a manner which requires his admission into a hospital and renders his physical production before the Magistrate impracticable, he may be produced through electronic video linkage, subject to the satisfaction of the Magistrate and to such terms as the Magistrate may determine.]

Search of place entered by person sought to be arrested

47. If any person acting under a warrant of arrest, or any police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Procedure where ingress not obtainable

48. If ingress to such place cannot be obtained under section 47 it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police-officer to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance:

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Breaking open zanana

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public such person or police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break open doors and windows for purposes of liberation

49. Any police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restraint

50. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons

51. Whenever a person is arrested by a police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and

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Whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him [73][; and

where any article is seized from the arrested person, the officer shall prepare a list in the presence of a witness and obtain his signature, if practicable, and shall serve a copy thereof to the arrested person or to any person nominated by him].

Mode of searching women

52. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

Power to seize offensive weapons

53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

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The Code of Criminal Procedure, 1898.

B.-Arrest without Warrant

When police may arrest without warrant

[74][54. (1) Any police-officer may, without an order from a Magistrate and without warrant, arrest-

firstly, any person who commits, in the presence of a police-officer, a cognizable offence;

secondly, any person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years, whether with or without fine, if the following conditions are satisfied, namely:-

(i) the police-officer has reason to believe, on the basis of such complaint, information, or suspicion that such person has committed the said offence; and

(ii) the police-officer is satisfied that such arrest is necessary-

(a) to prevent such person from committing any further offence; or

(b) for proper investigation of the offence; or

(c) to prevent such person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; or

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(d) to prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police-officer; or

(e) as unless such person is arrested, his presence in the Court whenever required cannot be ensured;

and the police-officer shall record while making such arrest, his reasons in writing:

Provided that a police-officer shall, in all cases where the arrest of a person is not required under the provisions of this sub-section, record the reasons in writing for not making the arrest;

thirdly, any person against whom credible information has been received that he has committed a cognizable offence punishable with imprisonment for a term which may extend to more than seven years whether with or without fine, or with death sentence and the police-officer has reason to believe, on the basis of that information, that such person has committed the said offence;

fourthly, any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house breaking;

fifthly, any person who has been proclaimed as an offender either under this Code or by order of the Government;

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sixthly, any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

seventhly, any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

eighthly, any person who is reasonably suspected of being a deserter from the armed forces of Bangladesh;

ninthly, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of Bangladesh, which, if committed in Bangladesh, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in Bangladesh;

tenthly, any released convict committing a breach of any rule made under section 565, sub-section (3);

eleventhly, any person for whose arrest a requisition, has been received from another police-officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

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(2) No police-officer shall arrest a person under this section for the purpose of detaining him under any law providing for preventive detention.]

Person arrested to be informed of reason of arrest

[75][54A. Every police-officer arresting any person without warrant shall, at the time of making arrest, communicate to him the reasons for which he is arrested.]

Arrest of vagabonds, habitual robbers, etc.

55.(1) Any officer in Charge of a police-station may, in like manner, arrest or cause to be arrested-

(a) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view committing a cognizable offence; or

(b) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

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(c) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

Procedure when police-officer deputes subordinate to arrest without warrant

56.(1) When any officer in charge of a police-station or any police-officer making an investigation under Chapter XIV requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made. The officer so required shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person, shall show him the order.

Refusal to give name and residence

57.(1) When any person who in the presence of a police-officer has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

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(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required:

Provided that, if such person is not resident in Bangladesh, the bond shall be secured by a surety or sureties resident in Bangladesh.

(3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Pursuit of offenders into other jurisdictions

58. A police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this Chapter, pursue such person into any place in Bangladesh.

Arrest by private persons and procedure on such arrest

59.(1) Any private person may arrest any person who in his view commits a non-bailable and cognizable offence, or any proclaimed offender, and without unnecessary delay, shall make over

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any person so arrested to a police-officer, or, in the absence of a police-officer, take such person or cause him to be taken in custody to the nearest police-station.

(2) If there is reason to believe that such person comes under the provisions of section 54, a police-officer shall re-arrest him.

(3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no sufficient reason to believe that he has committed any offence, he shall be at once released.

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Person arrested to be taken before Magistrate or officer in charge of police-station

60. A police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police-station.

Person arrested not to be detained more than twenty-four hours

The Code of Criminal Procedure, 1898.

61. No police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Police to report apprehensions.

62. Officers in charge of police-stations shall report [76][in [77][a] Metropolitan Area, to the Chief Metropolitan Magistrate, and in other areas, to the District Magistrate, [78][and also to the Chief Judicial Magistrate] the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Discharge of person apprehended

63. No person who has been arrested by a police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Offence committed in Magistrate's presence

64. When any offence is committed in the presence of a Magistrate [79][whether Executive or Judicial] within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender, and may thereupon, subject to the provisions herein contained as to bail commit the offender to custody.

Arrest by or in presence of Magistrate.

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65. Any Magistrate [80][whether Executive or Judicial] may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Power, on escape, to pursue and retake

66. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in Bangladesh.

Provisions of sections 47, 48 and 49 to apply to arrest under section 66

67. The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a police-officer having authority to arrest.

Procedure in case of non-compliance with provisions relating to arrest

[81][**67A.** The Magistrate or Court, as the case may be, before whom the arrested person is produced, shall examine whether the provisions of this Code relating to arrest have been duly complied with by the officer making the arrest; and if the Magistrate or Court finds that any such provision or provisions have been negligently violated or not complied with, he or it may, for reasons to be recorded in writing, direct appropriate action to be taken against the concerned officer in accordance with the applicable service rules.]

CHAPTER VI

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The Code of Criminal Procedure, 1898.

OF PROCESSES TO COMPEL APPEARANCE

A.-Summons

Form of summons

68.(1) Every summons issued by a Court under this Code shall be in writing in duplicate, signed and sealed by the presiding officer of such Court, or by such other officer as the [82][Supreme Court] may, from time to time, by rule, direct.

Summons by whom served

(2) Such summons shall be served by a police-officer, or subject to such rules as the Government may prescribe in this behalf, by an officer of the Court issuing it or other public servant.

Summons how served

69.(1) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for summons

(2) Every person on whom a summons is so served shall if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

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(3) Service of a summons on an incorporated company or other body corporate may be effected by serving it on the secretary, local manager or other principal officer of the corporation or by registered post letter addressed to the chief officer of the corporation in Bangladesh. In such case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.

[83][(4) The Court may, in addition to the modes of service provided in the foregoing sections, direct that the summons be served through electronic means such as Short Message Service (SMS), voice call, instant messaging service, or electronic mail, and the proof of such service shall be preserved with the record.]

Service when person summoned cannot be found

70. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult [84][***] member of his family, and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefore on the back of the other duplicate.

Procedure when service cannot be effected as before provided

71. If service in the manner mentioned in sections 69 and 70 cannot by the exercise of due diligence be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

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The Code of Criminal Procedure, 1898.

Service on servant of Republic

72.(1) Where the person summoned is in the active service of the [85][Republic], the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court under his signature with the endorsement required by that section.

(2) Such signature shall be evidence of due service.

Service of summons outside local limits

73. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Proof of service in such cases and when serving officer not present

74.(1) When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 or section

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70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

(2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.-Warrant of Arrest

Form of warrant of arrest Continuance of warrant of arrest

75.(1) Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer, or in the case of a Bench of Magistrates, by any member of such Bench, and shall bear the seal of the Court.

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(2) Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

Recognizance to be forwarded

(3) Whenever security is taken under this section the officer to whom the warrant is directed shall forward the bond to the Court.

Court may direct security to be taken

76.(1) Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

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(2) The endorsement shall state-

(a) the number of sureties;

(b) the amount in which they and the person for whose arrest the warrant is issued, are to be respectively bound; and

(c) the time at which he is to attend before the Court.

Warrants to whom directed

77.(1) A warrant of arrest shall ordinarily be directed to one or more police-officers, [86][and, when issued by a Metropolitan Magistrate, shall always be so directed; but any other Court] issuing such a warrant may, if its immediate execution is necessary and no police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

Warrants to several persons

(2) When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

Warrant may be directed to landholders, etc.

78.(1) [87][Magistrate of the first class] may direct a warrant to any landholder, farmer or manager of land within his [88][local Jurisdiction] for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

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(2) Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued, is in, or enters on, his land or farm, or the land under his charge.

(3) When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.

Warrant directed to police-officer

79. A warrant directed to any police-officer may also be executed by any other police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Notification of substance of warrant

80. The police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so require, shall show him the warrant.

Person arrested to be brought before Court without delay

81. The police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

Where warrant may be executed

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The Code of Criminal Procedure, 1898.

82. A warrant of arrest may be executed at any place in Bangladesh.

Warrant forwarded for execution outside jurisdiction

83.(1) When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a police-officer, forward the same by post or otherwise to any [89][Executive Magistrate or District Superintendent of police] [90][or, the Police Commissioner in [91][a Metropolitan Area]] within the local limits of whose jurisdiction it is to be executed.

(2) The Magistrate or District Superintendent [92][or Police Commissioner] to whom such warrant is so forwarded shall endorse his name thereon and, if practicable, cause it to be executed in manner hereinbefore provided within the local limits of his jurisdiction.

Warrant directed to police-officer for execution outside jurisdiction

84.(1) When a warrant directed to a police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to [93][an Executive Magistrate] or to a police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

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(2) Such Magistrate or police-officer shall endorse his name thereon and such endorsement shall be sufficient authority to the police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant.

(3) Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or police-officer within the local limits of whose jurisdiction the warrant is to be executed, will prevent such execution, the police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

Procedure on arrest of person against whom warrant issued

85. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest or is nearer than [94][the Executive Magistrate] or District Superintendent of Police [95][or the Police Commissioner in [96][a Metropolitan Area]] within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or [97][Police Commissioner or District Superintendent of Police].

Procedure by Magistrate before whom person arrested is brought.

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The Code of Criminal Procedure, 1898.

86.(1) [98][Such Executive Magistrate or] [99][District Superintendent of Police] 3[100][or Police Commissioner] shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court:

Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate, [101][District Superintendent of Police] 3[102][or Police Commissioner] or a direction has been endorsed under section 76 on the warrant and such person is ready and willing to give the security required by such direction the Magistrate, [103][District Superintendent of Police] 3[104][or Police Commissioner] shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant [105][:

Provided further that, if the offence is a non-bailable offence or no direction has been endorsed under section 76 on the warrant, the Sessions Judge or The Metropolitan Sessions Judge, the Chief Judicial Magistrate or the Chief Metropolitan Magistrate or a Magistrate of the first class Specially empowered in this behalf, in whose local jurisdiction the person is arrested, may, subject to the provisions of section 497 and for reasons to be recorded in writing, release the person on an interim bail on such bond or security as the Judge or the Magistrate thinks fit and direct the person to

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appear by a specified date before the Court which issued the warrant and forward the bond to that Court.]

(2) Nothing in this section shall be deemed to prevent a police-officer from taking security under section 76.

C.-Proclamation and Attachment

Proclamation for person absconding

87.(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

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(2) The proclamation shall be published as follows:-

(a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village; and

(c) a copy thereof shall be affixed to some conspicuous part of the Court-house.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

Attachment of property of person absconding

88.(1) The Court issuing a proclamation under section 87 may at any time order the attachment of any property, movable or immovable, or both, belonging to the proclaimed person.

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(2) Such order shall authorize the attachment of any property belonging to such person within the [106][local area] in which it is made; and it shall authorize the attachment of any property belonging to such person without such [107][local area] when endorsed by the District Magistrate [108][Chief Judicial Magistrate] [109][or Chief Metropolitan Magistrate] within whose [110][local area] such property is situate.

(3) If the property ordered to be attached is a debt or other movable property, the attachment under this section shall be made-

(a) by seizure; or

(b) by the appointment of a receiver; or

(c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or

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(d) by all or any two of such methods, as the Court thinks fit.

(4) If the property ordered to be attached is immovable, the attachment under this section shall, in the case of land paying revenue to the Government, be made through the Collector of the district in which the land is situate, and in all other cases-

(e) by taking possession; or

(f) by the appointment of a receiver; or

(g) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or

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(h) by all or any two of such methods, as the Court thinks fit.

(5) If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court.

(6) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under [1][Order XL of the First Schedule to the Code of Civil Procedure, 1908].

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(6A) If any claim is preferred to, or objection made to the attachment of, any property attached under this section within six months from the date of such attachment, by any person other than the proclaimed person, on the ground that the claimant or objector has an interest in such property, and that such interest is not liable to attachment under this section, the claim or objection shall be inquired into, and may be allowed or disallowed in whole or in part:

Provided that any claim preferred or objection made within the period allowed by this sub-section may, in the event of the death of the claimant or objector, be continued by his legal representative.

(6B) Claims or objections under sub-section (6A) may be preferred or made in the Court by which the order of attachment is issued or, if the claim or objection is in respect of property attached under an order endorsed by a District Magistrate, [112][Chief Judicial Magistrate] [113][or Chief Metropolitan Magistrate] in accordance with the provisions of sub-section (2), in the Court of such Magistrate.

(6C) Every such claim or objection shall be inquired into by the Court in which it is preferred or made:

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Provided that, if it is preferred or made in the Court of a [114][Chief Judicial Magistrate] 1[115][or Chief Metropolitan Magistrate] such Magistrate may make it over for disposal to any Magistrate [116][***] [or to any Metropolitan Magistrate, as the case may be] subordinate to him.

(6D) Any person whose claim or objection has been disallowed in whole or in part by an order under sub-section (6A) may, within a period of one year from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute; but subject to the result of such suit, if any, the order shall be conclusive.

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(6E) If the proclaimed person appears within the time specified in the proclamation, the Court shall make an order releasing the property from the attachment.

(7) If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of the Government, but it shall not be sold until the expiration of six months from the date of the attachment and until any claim preferred or objection made under sub-section (6A) has been disposed of under that sub-section, unless it is

subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

Restoration of attached property

89. If, within two years from the date of the attachment any person whose property is or has been at the disposal of the Government, under sub-section (7) of section 88, appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, or the Court to which such Court is subordinate, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or, if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.-Other Rules regarding Processes

Issue of warrant in lieu of, or in addition to, summons

90. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person [117][* * *] issue, after recording its reasons in writing, a warrant for his arrest-

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(a) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(b) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Power to take bond for appearance

91. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant, is present in such Court, such officer may require such person to execute a bond, with or without sureties, for his appearance in such Court.

Arrest by breach of bond for appearance

92. When any person who is bound by any bond taken under this Code to appear before a Court, does not so appear, the officer presiding in such Court, may issue a warrant directing that such person be arrested and produced before him.

Provisions of this Chapter generally applicable to summonses and warrants of arrest

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The Code of Criminal Procedure, 1898.

93. The provisions contained in this Chapter relating to a summons and warrant, and their issue, service and execution, shall so far as may be, apply to every summons and every warrant of arrest issued under this Code.

E.-Special Rules regarding processes issued for service or execution

Sending of summons for service outside Bangladesh

93A.(1) Where a Court in Bangladesh desires that asummons issued by it to an accused person shall be served at any place outside Bangladesh within the local limits of the jurisdiction of a Court established or continued by the authority of the Government in exercise of its foreign jurisdiction, it shall send such summons, in duplicate, by post or otherwise, to the presiding officer of that Court to be served.

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(2) The provisions of section 74 shall apply in the case of a summons sent for service under this section as if the presiding officer of the Court to whom it was sent were a Magistrate in Bangladesh.

Sending of warrants for execution outside Bangladesh

93B. Notwithstanding anything contained in section 82, where a Court in Bangladesh desires that a warrant issued by it for the arrest of an accused person shall be executed at any place outside Bangladesh within the local limits of the jurisdiction of a Court established or continued by the

authority of the Government in exercise of its foreign jurisdiction, it may send such warrant, by post or otherwise, to the presiding officer of that Court to be executed.

Service and execution in Bangladesh of processes received from outside Bangladesh

93C.(1) Where a Court has received for service or execution a summons to, or a warrant for the arrest of, an accused person issued by a Court established or continued by the authority of the Government in exercise of its foreign jurisdiction, outside Bangladesh it shall cause the same to be served or executed as if it were a summons or warrant received by it from a Court in Bangladesh for service or execution within the local limits of its jurisdiction.

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(2) Where any warrant of arrest has been so executed the person arrested shall so far as possible be dealt with in accordance with the procedure prescribed by sections 85 and 86.]

CHAPTER VII

The Code of Criminal Procedure, 1898.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVABLE PROPERTY, AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED

A.-Summons to produce

Summons to produce document or other thing

94.(1) Whenever any Court, or any officer in charge of a police-station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order:

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Provided that no such officer shall issue any such order requiring the production of any document or other thing which is in the custody of a bank or banker as defined in the Bankers' Books Evidence Act, 1891 (Act No. XVIII of 1891), and relates, or might disclose any information which relates, to the bank account of any person except,-

(a) for the purpose of investigating an offence under sections 403, 406, 408 and 409 and sections 421 to 424 (both inclusive) and sections 465 to 477A (both inclusive) of the Penal Code, with the prior permission in writing of a Sessions Judge; and

(b) in other cases, with the prior permission in writing of the High Court Division.

(2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

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(3) Nothing in this section shall be deemed to affect the Evidence Act, 1872, sections 123 and 124, or to apply to a letter, postcard, telegram or other document or any parcel or thing in the custody of the Postal or Telegraph authorities.

Procedure as to letters and telegrams

The Code of Criminal Procedure, 1898.

95.(1) If any document, parcel or thing in such custody is, in the opinion of any District Magistrate, [118][Chief Judicial Magistrate] [119][Chief Metropolitan Magistrate] High Court Division or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require the Postal or Telegraph authorities, as the case may be, to deliver such document, parcel or thing to such person as such Magistrate or Court directs.

(2) If any such document, parcel or thing is, in the opinion of any [120][other Magistrate, whether Executive or Judicial] [121][Police Commissioner] or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, parcel or thing pending the orders of any such District Magistrate, [122][Chief Judicial Magistrate], [Chief Metropolitan Magistrate] or Court.

B.-Search-warrants

When search-warrant may be issued

96.(1) Where any Court has reason to believe that a person to whom a summons or order under section 94 or a requisition under section 95, sub-section (1), has been or might be addressed, will not or would not produce the document or thing as required by such summons or requisition,

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or where such document or thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed, may search or inspect in accordance therewith and the provisions hereinafter contained.

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(2) Nothing herein contained shall authorize any Magistrate other than a District Magistrate, [123][Chief Judicial Magistrate, as the case may be] [or Chief Metropolitan Magistrate] to grant a warrant to search for a document, parcel or other thing in the custody of the Postal or Telegraph authorities.

Power to restrict warrant

The Code of Criminal Procedure, 1898.

97. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Search of house

98.(1) If a District Magistrate,[124][or an Executive Magistrate specially empowered by the Government in this behalf,] upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,

or that any forged documents, false seals or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are kept or deposited in any place,

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or, if a District Magistrate, [125][or an Executive Magistrate specially empowered by the Government in this behalf,] upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit, sale, manufacture or production of any obscene object such as is referred to in section 292 of the Penal Code or that any such obscene objects are kept or deposited in any place; he may by his warrant authorize any police-officer above the rank of a constable-

(a) to enter, with such assistance as may be required, such place, and

(b) to search the same in manner specified in the warrant, and

(c) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials or of any such obscene objects as aforesaid, and

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(d) to convey such property, documents, seals, stamps, coins, instruments or materials or such obscene objects before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials or such obscene objects knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging or the said obscene objects to have been or to be intended to be sold, let to hire, distributed, publicly exhibited, circulated, imported or exported.

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(2) The provisions of this section with respect to-

(a) counterfeit coin,

(b) coin suspected to be counterfeit, and

(c) instruments or materials for counterfeiting coin,

shall, so far as they can be made applicable, apply respectively to-

(a) pieces of metal made in contravention of the Metal Tokens Act, 1889, or brought into Bangladesh in contravention of any notification for the time being in force under [126][section 16 of the Customs Act, 1969],

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(b) pieces of metal suspected to have been so made or to have been so brought into Bangladesh or to be intended to be issued in contravention of the former of those Acts, and

(c) instruments or materials for making pieces of metal in contravention of that Act.

Disposal of things found in search beyond jurisdiction

99. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made, are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.

Power to declare certain publications forfeited and to issue search warrants for the same

[127][[128][99A.(1) Where any newspaper, or book or any document wherever printed, appears to the Government to contain-

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(a) any matter the publication of which is punishable under section 123A or section 124A or section 153A or section 292 or section 295A or section 505 or section 505A of the Penal Code (Act XLV of 1860), or

(b) any matter which is defamatory of the President of Bangladesh, [129][***], the Prime Minister of the Government, the Speaker of Parliament or the Chief Justice of Bangladesh, or

(c) any matter which is grossly in-docent or is scurrilous or obscene, or

(d) any words or visible representations which incite, or which are likely to incite, any person or class of persons to commit any cognizable offence,

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the Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, words or visible

representations, and every copy of such book or other document to be forfeited to Government, and thereupon any police-officer may seize the same wherever found in Bangladesh and any Magistrate may by warrant authorise any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

(2) In sub-section (1), "newspaper", "book" and "document" have the same meaning as in the Printing Presses and Publications (Declaration and Registration) Act, 1973 (XXIII of 1973).]

Application to High Court Division to set aside order of forfeiture

99B. Any person having any interest in any newspaper, book or other document, in respect of which an order of forfeiture has been made under section 99A, may, within two months from the date of such order, apply to the High Court Division to set aside such order on the ground that the issue of the newspaper, or the book or other document, in respect of which the order was made, did not contain [130][any such matter, word or visible representation,] as is referred to in sub-section (1) of section 99A.

Hearing by Special Bench

99C. Every such application shall be heard and determined by a Special Bench of the High Court Division composed of three Judges.

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Order of Special Bench setting aside forfeiture

99D.(1) On receipt of the application, the Special bench shall, if it is not satisfied that the issue of the newspaper, or the book or other document, in respect of which the application has been made, contained [131][any such matter, word or visible representation] as is referred to in sub-section (1) of section 99A, set aside the order of forfeiture.

(2) Where there is a difference of opinion among the judges forming the Special Bench the decision shall be in accordance with the opinion of the majority of those Judges.

Evidence to prove nature or tendency of newspapers

99E. On the hearing of any such application with reference to any newspaper, any copy of such newspaper may be given in evidence in aid or the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper in respect of which the order of forfeiture was made.

Procedure in High Court Division

99F. [132][The Supreme Court] shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of

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orders passed thereon, and until such rules are framed, the practice of such Courts in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Jurisdiction barred

99G. No order passed or action taken under section 99A shall be called in question in any Court otherwise than in accordance with the provisions of section 99B.]

C.-Discovery of Persons Wrongfully Confined

Search for persons wrongfully confined.

100. If any [133][Metropolitan Magistrate], Magistrate of the first class or [134][or an Executive Magistrate] has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search- warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

D.-General Provisions Relating to Searches

Direction, etc., of search-warrants

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The Code of Criminal Procedure, 1898.

101. The provisions of sections 43, 75, 77, 79, 82, 83 and 84 shall, so far as may be, apply, to all search-warrants issued under section 96, section 98, section 99A or section 100.

Persons in charge of closed place to allow search

102.(1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of such place shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

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(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

(3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If such person is a woman, the directions of section 52 shall be observed.

Search to be made in presence of witnesses

103.(1) Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched

is situate to attend and witness the search and may issue an order in writing to them or any of them so to do.

(2) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

Occupant of place searched may attend

(3) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

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(4) When any person is searched under section 102, sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person at his request.

(5) Any person who, without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Penal Code.

E.- Miscellaneous

Power to impound document, etc., produced

104. Any Court may, if it thinks fit, impound any document or thing produced before it under this Code.

Magistrate may direct search in his presence

105. [135][Any Magistrate, whether Executive or Judicial] may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

PART IV

PREVENTION OF OFFENCES

CHAPTER VIII

OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR

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The Code of Criminal Procedure, 1898.

A.-Security for keeping the Peach on Conviction

Security for keeping the peach on conviction

106.(1) Whenever any person accused of any offence punishable under Chapter VIII of the Penal Code, other than an offence punishable under section 143, section 149, section 153A or section 154 thereof, or of assault or other offence involving a breach of the peace, or of abetting the same, or any person accused of committing criminal intimidation, is convicted of such offence before High Court Division, a Court of Session, or the Court of [136][a Metropolitan Magistrate], [137][***] or a Magistrate of the first class, and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace, such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or `without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

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(2) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(3) An order under this section may also be made by an Appellate Court [138][***] or by the High Court Division when exercising its powers of revision.

The Code of Criminal Procedure, 1898.

B.-Security for keeping the peach in the Cases and Security for Good Behaviour

Security for keeping the peace in other cases

107.(1) Whenever [139][a District Magistrate or any other Executive Magistrate] is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace, or disturb the public tranquillity, the Magistrate if in his opinion there is sufficient ground for proceeding may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

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(2) Proceedings shall not be taken under this section unless either the person informed against or the place where the breach of the peace or disturbance is apprehended, is within the local limits of such Magistrate's jurisdiction, and no proceedings shall be taken before any Magistrate, [140][other than the] [141][***] District Magistrate, unless both the person informed against and the place where the breach of the peace or disturbance is apprehended, are within the local limits of the Magistrate's jurisdiction.

Procedure of Magistrate not empowered to act under sub-section (1)

(3) When any Magistrate not empowered to proceed under sub-section (1) has reason to believe that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breachof the peace or disturb the public tranquillity and that such breach of the peace or disturbance cannot be prevented otherwise than by detaining such person in custody, such Magistrate may, after recording his reasons, issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case, together with a copy of his reasons.

(4) A Magistrate before whom a person is sent under sub-section (3) may in his discretion detain such person in custody pending further action by himself under this Chapter.

Security for good behaviour from persons disseminating seditious matter

108. [142][Whenever the [143][District Magistrate, or any other Executive Magistrate"] specially empowered by the Government in this behalf, has information that there is within the limits of his jurisdiction any person who, within or without such limits, either orally or in writing or in any other manner intentionally disseminates or attempts to disseminate, or in anywise abets the dissemination of,-

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(a) any seditious matter, that is to say, any matter the publication of which is punishable under section 123A or section 124A of the Penal Code, or

(b) any matter the publication of which is punishable under section 153A of the Penal Code, or

(c) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Penal Code,

such Magistrate, if in his opinion there is sufficient ground for proceeding may (in manner hereinafter provided) require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix.

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No proceedings shall be taken under this section against the editor, proprietor, printer of publisher of any publication registered under, and edited, printed and published in conformity with, the

[provisions of the Printing Presses and Publications (Declaration and Registration) Act, 1973], with reference to any matters contained in such publication except by the order or under the authority of the Government or some officer empowered by the Government in this behalf.

Security for good behaviour from vagrants and suspected persons

109. Whenever [144][District Magistrate or an Executive Magistrate] receive information-

(a) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing any offence, or

(b) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix.

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The Code of Criminal Procedure, 1898.

Security for good behaviour from habitual offenders

110. Whenever a [145][District Magistrate, or anyother Executive Magistrate] specially empowered in this behalf by the Government receives information that any person within the local limits of his jurisdiction-

(a) is by habit a robber, house-breaker, thief, or forger, or

(b) is by habit a receiver of stolen property knowing the same to have been stolen, or

(c) habitually protects or harbours thieves or aids, in the concealment or disposal of stolen property, or

(d) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter

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XII of the Penal Code, or under section 489A, section 489B, section 489C or section 489D of that Code, or

(e) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace, or

(f) is so desperate and dangerous as to render his being at large without security hazardous to the community,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit to fix.

Repealed

111. [Repealed by section 8 of the Criminal Law Amendment Act, 1923 (Act No. XII of 1923).]

Order to be made

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The Code of Criminal Procedure, 1898.

112. When a Magistrate acting under section 107, section 108, section 109 or section 110 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Procedure in respect of person present in Court

113. If the person in respect of whom such order is made is present in Court, it shall be read over to him or, if he so desires, the substance thereof shall be explained to him.

Summons or warrant in case of person not so present

114. If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is, to bring him before the Court:

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Provided that whenever it appears to such Magistrate, upon the report of a police-officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

The Code of Criminal Procedure, 1898.

Copy of order under section 112 to accompany summons or warrant

115. Every summons or warrant issued under section 114 shall be accompanied by a copy of the order made under section 112, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Power to dispense with personal attendance

116. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

Inquiry as to truth of information

117.(1) When an order under section 112 has been read or explained under section 113 to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant, issued under section 114, the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary.

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(2) Such inquiry shall be made, as nearly as may be practicable where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials and recording evidence in summons-cases; and where the order requires security for good behaviour in the

manner hereinafter prescribed for conducting trials and recording evidence in warrant-cases, except that no charge need be framed.

(3) Pending the completion of the inquiry under sub-section (1) the Magistrate, if he considers that immediate measures are necessary for the prevention of a breach of the peace or disturbance of the public tranquillity or the commission of any offence or for the public safety, may, for reasons to be recorded in writing, direct the person in respect of whom the order under section 112 has been made to execute a bond, with or without sureties, for keeping the peace or maintaining good behaviour until the conclusion of the inquiry, and may detain him in custody until such bond is executed or, in default of execution, until the inquiry is concluded:

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Provided that:-

(a) no person against whom proceedings are not being taken under section 108, section 109, or section 110, shall be directed to execute a bond for maintaining good behaviour, and

(b) the conditions of such bond, whether as to the amount thereof or as to the provision of sureties of the number thereof or the pecuniary extent of their liability, shall not be more onerous than those specified in the order under section 112.

(4) for the purposes of this section the fact that a person is an habitual offender or is so desperate and dangerous as to render his being at large without security hazardous to the community may be proved be evidence of general repute or otherwise.

(5) Where two or more persons have been associated together in the matter under inquiry, they may be dealt with in the same or separate inquiries as the Magistrate shall think just.

Order to give security

118. If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties the Magistrate shall make an order accordingly:

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Provided-

firstly , that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 112:

secondly, that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive:

thirdly, that when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

Discharge of person informed against

119. If, on an inquiry under section 117, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made, should execute a bond, the Magistrate shall make an entry on the record to that effect, and if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

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The Code of Criminal Procedure, 1898.

C.-Proceedings in all Cases subsequent to Order to furnish Security

Commencement of period for which security is required

120.(1) If any person, in respect of whom an order requiring security is made under section 106 or section 118, is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment the period for which such security is required shall commence on the expiration of such sentence.

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(2) In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason, fixes a later date.

Contents of bond

121. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

Power to reject sureties

122.(1) A Magistrate may refuse to accept any surety offered, or may reject any surety previously accepted by him or his predecessor under this Chapter on the ground that such surety is an unfit person for the purposes of the bond:

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Provided that, before so refusing to accept or rejecting any such surety, he shall either himself hold an inquiry on oath into the fitness of the surety, or cause such inquiry to be held and a report to be made thereon by a Magistrate subordinate to him.

(2) Such Magistrate shall, before holding inquiry, give reasonable notice to the surety and to the person by whom the surety was offered and shall in making the inquiry record the substance of the evidence adduced before him.

(3) If the Magistrate is satisfied, after considering the evidence so adduced either before him or before a Magistrate deputed under sub-section (1), and the report of such Magistrate (if any) that the surety is an unfit person for the purposes of the bond, he shall make an order refusing to accept or rejecting, as the case may be, such surety and recording his reasons for so doing:

Provided that, before making an order rejecting any surety who has previously been accepted, the Magistrate shall issue his summons or warrant, as he thinks fit, and cause the person for whom the surety is bound to appear or to be brought before him.

Imprisonment in default of security

123.(1) If any person ordered to give security under section 106 or section 118 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison be detained in prison until such period expires or until within such period he gives the security to the Court or Magistrate who made the order requiring it.

Proceedings when to be laid before High Court Division or Court of Sessions

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(2) When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Sessions Judge; and the proceedings shall be laid, as soon as conveniently may be, before such Judge.

(3) The Sessions Judge, after examining such proceedings and requiring from the Magistrate any further information or evidence which he thinks necessary, may pass such order on the case as he thinks fit:

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Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

(3A) If security has been required in the course of the same proceedings from two or more persons in respect of any one of whom the proceedings are referred to the Sessions Judge under sub-section (2), such reference shall also include the case of any other of such persons who has been ordered

to give security, and the provisions of sub-sections (2) and (3) shall, in that event, apply to the case of such other person also, except that the period (if any) for which he may be imprisoned shall not exceed the period for which he was ordered to give security.

(3B) A Sessions Judge may in his discretion transfer any proceedings laid before him under sub-section (2) or sub-section (3A) to an Additional Sessions Judge or [146][Joint] Sessions Judge and upon such transfer, such Additional Sessions Judge or [147][Joint] Sessions Judge may exercise the powers of a Sessions Judge under this section in respect of such proceedings

(4) If the security is tendered to the officer in charge of the jail, he shall forthwith refer the matter to the Court or Magistrate who made the order, and shall await the orders of such Court or Magistrate.

Kind of imprisonment

(5) Imprisonment for failure to give security for keeping the peace shall be simple.

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(6) Imprisonment for failure to give security for good behaviour shall, where the proceedings have been taken under section 108 be simple and, where the proceedings have been taken under section 109 or section 110, be rigorous or simple as the Court or Magistrate in each case directs.

Power to release persons imprisoned for failing to give security

124.(1) Whenever the District Magistrate [148][***] is of opinion that any person imprisoned for failing to give security under this Chapter may be released without hazard to the community or to any other person, he may order such person to be discharged.

(2) Whenever any person has been imprisoned for failing to give security under this Chapter, the [149][***] District Magistrate may (unless the order has been made by some Court superior to his own) make an order reducing the amount of the security or the number of sureties or the time for which security has been required.

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(3) An order under sub-section (1) may direct the discharge of such person either without conditions or upon any conditions which such person accepts:

Provided that any condition imposed shall cease to be operative when the period for which such person was ordered to give security has expired.

(4) The Government may prescribe the conditions upon which a conditional discharge may be made.

(5) If any condition upon which any such person has been discharged is, in the opinion of the District Magistrate [150][***], by whom the order of discharge was made or of his successor, not fulfilled, he may cancel the same.

(6) When a conditional order of discharge has been cancelled under sub-section (5), such person may be arrested by any police-officer without warrant, and shall thereupon be produced before the District Magistrate [151][***].

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Unless such person then gives security in accordance with the terms of the original order for the unexpired portion of the term for which he was in the first instance committed or ordered to be detained (such portion being deemed to be a period equal to the period between the date of the breach of the conditions of discharge and the date on which, except for such conditional discharge, he would have been entitled to release), the District Magistrate [152][***], may remand such person to prison to undergo such unexpired portion.

A person remanded to prison under this sub-section shall, subject to the provisions of section 122, be released at any time on giving security in accordance with the terms of the original order for the unexpired portion aforesaid to the Court or Magistrate by whom such order was made, or to its or his successor.

Power of District Magistrate to cancel any bond for keeping the peach or good behaviour

125. The [153][***] District Magistrate may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace or for good behaviour executed under this Chapter by order of any Court in his district not superior to his Court.

Discharge of sureties

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The Code of Criminal Procedure, 1898.

126.(1) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a [154][District Magistrate or any other Executive Magistrate] to cancel any bond executed under this Chapter within the local limits of his jurisdiction.

(2) On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

Security for unexpired period of bond

[155][126A.] When a person for whose appearance a warrant or summons has been issued under the proviso to sub-section (3) of section 122 or under section 126, sub-section (2), appears or is brought before him, the Magistrate shall cancel the bond executed by such person and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124, be deemed to be an order made under section 106 or section 118, as the case may be.

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The Code of Criminal Procedure, 1898.

CHAPTER IX

UNLAWFUL ASSEMBLIES

Assembly to disperse on command of Magistrate or police officer

127.(1) Any [156][Executive Magistrate] or officer in charge of a police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

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(2) [Omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

Use of civil force to disperse

128. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any [157][Executive Magistrate] or officer in charge of a police-station, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer, soldier, sailor or airman in the armed forces of Bangladesh [158][***] for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

The Code of Criminal Procedure, 1898.

Use of military force

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the [159][Executive Magistrate] of the highest rank who is present [160][or the Police Commissioner in [161][a Metropolitan Area]] may cause it to be dispersed by military force.

Duty of officer commanding troops required by Magistrate to disperse assembly

130.(1) When [162][an Executive Magistrate] [163][or the Police Commissioner] determines to disperse any such assembly by military force, he may require any commissioned or non-commissioned officer in command of any soldiers in the Bangladesh Army [164][* * *] to disperse such assembly by military forced, and to arrest and confine such persons forming part of it as the Magistrate 1[or the Police Commissioner] may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

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(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of commissioned military officers to disperse assembly

131. When the public security is manifestly endangered by any such assembly, and when [165][no Executive Magistrate] can be communi-cated with, any commissioned officer of the Bangladesh Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is acting under this section, it becomes practicable for him to communicate with [166][an Executive Magistrate], he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under this Chapter

132. No prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of the Government; and-

(a) no Magistrate or police-officer acting under this Chapter in good faith,

(b) no officer acting under section 131 in good faith,

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(c) no person doing any act in good faith, in compliance with a requisition under section 128 or section 130, and

(d) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence:

Provided that no such prosecution shall be instituted in any Criminal Court against any officer or soldier in the Bangladesh Army except with the sanction of the Government.

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CHAPTER X

PUBLIC NUISANCES

Application

[167][132A. The provisions of this Chapter shall not apply to [168][a Metropolitan Area.]]

Conditional order for removal of nuisance

The Code of Criminal Procedure, 1898.

133.(1) Whenever a District Magistrate, [169][or any other Executive Magistrate] considers, on receiving a police-report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated, or

that the construction of any building, or the disposal of any substance, as likely to occasion conflagration or explosion, should be prevented or stopped, or

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that any building, tent or structure, or any tree is in such condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary, or

that any tank well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public, or

that any dangerous animal should be destroyed, confined or otherwise disposed of,

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order,

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to remove such obstruction or nuisance; or

to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation; or

to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or

to prevent or stop the erection of, or to remove, repair or support, such building, tent or structure; or

to remove or support such tree; or

to alter the disposal of such substance; or

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to fence such tank, well or excavation, as the case may be; or

to destroy, confine or dispose of such dangerous animal in the manner provided in the said order;

or, if he objects so to do,

to appear before himself or some other [170][Executive Magistrate] at a time and place to be fixed by the order, and move to have the order set aside or modified in the manner hereinafter provided.

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(2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation-A "public place" includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes.

Service or notification of order

134.(1) The order shall, if practicable, be served on the person against whom it is made, in manner herein provided for service of a summons.

(2) If such order cannot be so served, it shall be notified by proclamation, published in such manner as the Government may by rule direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Person to whom order is addressed to obey or show cause or claim jury

135. The person against whom such order is made shall-

(a) perform, within the time and in the manner specified in the order, the act directed thereby; or

[171][(b) appear in accordance with such order and show cause against the same.]

Consequence of his failing to do so

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136. If such person does not perform such act or appear and show cause [172][* * *] he shall be liable to the penalty prescribed in that behalf in section 188 of the Penal Code, and the order shall be made absolute.

Procedure where he appears to show cause

137.(1) If he appears and shows cause against the order, the Magistrate shall take evidence in the matter [173][in the manner provided in Chapter XX].

(2) If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

(3) If the Magistrate is not so satisfied, the order shall be made absolute.

Omitted & 139. Omitted

138 and 139. [Omitted by the Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

Procedure where existence of public right is denied

[174][139A.(1) Where an order is made under section 133 for the purpose of preventing obstruction, nuisance or danger to the public in the use of anyway, river, channel or place, the Magistrate shall,

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on the appearance before him of the person against whom the order was made, question him as to whether he denies the existence of any public right in respect of the way, river, channel or place, and if he does so, the Magistrate shall, before proceeding under section 137 [175][* * *], inquire into the matter.

(2) If in such inquiry the Magistrate finds that there is any reliable evidence in support of such denial, he shall stay the proceedings until the matter of the existence of such right has been decided by a competent Civil Court; and, if he finds that there is no such evidence, he shall proceed as laid down in section 137 [176][* * *].

(3) A person who has, on being questioned by the Magistrate under sub-section (1) failed to deny the existence of a public right of the nature therein referred to, or who, having made such denial, has failed to adduce reliable evidence in support thereof, shall not in the subsequent proceedings be permitted to make any such denial [177][* * *].]

Procedure on order being made absolute Consequences of disobedience to order

140.(1) When an order has been made absolute under section 136 [178][or section 137], the Magistrate shall give notice of the same to the person against whom the order was made, and shall further

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require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Penal Code.

(2) If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other movable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

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(3) No suit shall lie in respect of anything done in good faith under this section.

Omitted

141. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

Injunction pending inquiry

142.(1) If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may [179][* * *] issue such an injunction to the person against whom the order was made, as is required to obviate or prevent such danger or injury pending the determination of the matter.

(2) In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

(3) No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Magistrate may prohibit repetition or continuance of public nuisance

143. A District Magistrate or [180][any other Executive Magistrate] empowered by the Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Penal Code or any special [181][* * *] law.

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CHAPTER XI

TEMPORARY ORDERS IN URGENT CASES OF NUISANCE OR APPREHENDED DANGER.

The Code of Criminal Procedure, 1898.

Power to issue order

144.(1) In cases where, in the opinion of a District Magistrate, [182][or any other Executive Magistrate] specially empowered by the Government or the District Magistrate to act under this section, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable,

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk or obstruction, annoyance or injury, to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.

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(2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed, ex parte.

(3) An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

(4) Any Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under this section by himself or any Magistrate subordinate to him, or by his predecessor in office.

(5) Where such an application is received, the Magistrate shall afford to the applicant an early opportunity of appearing before him either in person or by pleader and showing cause against the order; and, if the Magistrate rejects the application wholly or in part, he shall record in writing his reasons for so doing.

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(6) No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the Government, by notification in the official Gazette, otherwise directs.

[183][(7) The provisions of this section shall not apply to [184][a Metropolitan Area].]

CHAPTER XII

DISPUTES AS TO IMMOVABLE PROPERTY

Procedure where dispute concerning land, etc., is likely to cause breach of peach

145.(1) Whenever [185][a [186][District Magistrate, or an Executive Magistrate specially empowered by the Government in this behalf] is satisfied from a police-report or other information that a dispute likely to cause a breach of the peace exists concerning any land or water of the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

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(2) For the purposes of this section the expression "land or water" includes buildings, markets, fisheries, crops or other produce of land, and the rents or profits of any such property.

(3) A copy of the order shall be served in manner provided by this Code for the service of a summons upon such person or persons as the Magistrate may direct, and at least one copy shall be published by being affixed to some conspicuous place at or near the subject of dispute.

Inquiry as to possession

(4) The Magistrate shall then, without reference to the merits or the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive all such evidence as may be produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary, and, if possible, decide whether any and which of the parties was at the date of the order before mentioned in such possession of the said subject:

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Provided that, if it appears to the Magistrate that any party has within two months next before the date of such order been forcibly and wrongfully dispossessed, he may treat the party so dispossessed as if he had been in possession at such date:

Provided also, that if the Magistrate considers the case one of emergency, he may at any time attach the subject of dispute, pending his decision under this section.

(5) Nothing in this section shall preclude any party so required to attend, or any other person interested, from showing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed, but, subject to such cancellation, the order of the Magistrate under sub-section (1) shall be final.

Party in possession to retain possession until legally evicted

(6) If the Magistrate decides that one of the parties was or should under the first proviso to sub-section (4) be treated as being in such possession of the said subject, he shall issue an order declaring such party to be entitled to possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction and when he proceeds under the first proviso to sub-section (4), may restore to possession the party forcibly and wrongfully dispossessed.

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(7) When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding and shall thereupon continue the inquiry,

and if any question arises as to who the legal representative of a deceased party for the purpose of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto.

(8) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and natural decay, he may make an order for the proper custody or sale of such property, and, upon the completion of the inquiry, shall make such order for the disposal of such property, or the sale-proceeds thereof, as he thinks fit.

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(9) The Magistrate may, if he thinks fit, at any stage of the proceedings under this section, on the application of either party, issue a summons to any witness directing him to attend or to produce any document or thing.

(10) Nothing in this section shall be deemed to be in derogation of the powers of the Magistrate to proceed under section 107.

The Code of Criminal Procedure, 1898.

Power to attach subject of dispute

146.(1) If the Magistrate decides that none of the parties was then in such possession, or is unable to satisfy himself as to which of them was then in such possession of the subject of dispute, he may attach it until a competent Court has determined the rights of the parties thereto, or the person entitled to possession thereof:

Provided that [187][[188][such Magistrate]may withdraw the attachment at any time if he is satisfied that there is no longer any likelihood of a breach of the peace in regard to the subject of dispute.

(2) When the Magistrate attaches the subject of dispute, he may, if he thinks fit and if no receiver of the property, the subject of dispute, has been appointed by any Civil Court appoint a receiver thereof, who, subject to the control of the Magistrate, shall have all the powers of a receiver appointed under the [189][Code of Civil Procedure, 1908]:

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Provided that, in the event of a receiver of the property, the subject of dispute, being subsequently appointed by any Civil Court, possession shall be made over to him by the receiver appointed by the Magistrate, who shall thereupon be discharged.

Disputes concerning rights of use of immovable property, etc.

147.(1) Whenever, [190][any [191][District Magistrate, or Executive Magistrate specially empowered by the Government in this behalf,] is satisfied, from a police-report or other information, that a dispute likely to cause a breach of the peace exists regarding any alleged right of user of any land or water as explained in section 145, sub-section (2) (whether such rights be claimed as an easement or otherwise), within the local limits of his jurisdiction, he may make an order in writing stating the grounds of his being so satisfied and requiring the parties concerned in such dispute to attend the Court in person or by pleader within a time to be fixed by such Magistrate and to put in written statements of their respective claims, and shall thereafter inquire into the matter in the manner provided in section 145, and the provisions of that section shall, as far as may be, applicable in the case of such inquiry.

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(2) If it appears to such Magistrate that such right exists, he may make an order prohibiting any interference with the exercise of such right:

Provided that no such order shall be made where the right is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry, or where the right is exercisable only at particular seasons or on particular occasions, unless the right has been exercised during the last of such seasons or on the last of such occasions before such institution.

(3) If it appears to such Magistrate that such right does not exist, he may make an order prohibiting any exercise of the alleged right.

(4) An order under this section shall be subject to any subsequent decision of a Civil Court of competent jurisdiction.

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Local inquiry

148.(1) Whenever a local inquiry is necessary for the purposes of this Chapter, [192][* * *] any District Magistrate [193][***] may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

(2) The report of the person so deputed may be read as evidence in the case.

Order as to costs

(3) When any costs have been incurred by any party to a proceeding under this Chapter the Magistrate passing a decision under section 145, section 146 or section 147 may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. Such costs may include any expenses incurred in respect of witnesses, and of [194][advocate] fees, which the Court may consider reasonable.

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CHAPTER XIII

PREVENTIVE ACTION OF THE POLICE

Police to prevent cognizable offences

149. Every police-officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.

Information of design to commit such offences

150. Every police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Arrest to prevent such offences

151. A police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property

152. A police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, movable or immovable, or the removal or injury of any public landmark or buoy or other mark use for navigation.

Inspection of weights and measures

153.(1) Any officer in charge of a police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

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(2) If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

PART V

INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE

CHAPTER XIV

Information in cognizable cases

154. Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Government may prescribe in this behalf.

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The Code of Criminal Procedure, 1898.

Information in non-cognizable cases

155.(1) When information is given to an officer in charge of a police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

Investigation into non-cognizable cases

(2) No police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or [195][send] the same for trial [196][***].

(3) Any police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police-station may exercise in a cognizable case.

Investigation into cognizable cases

156.(1) Any officer in charge of a police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

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(2) No proceeding of a police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under section 190 may order such and investigation as above mentioned.

Procedure where cognizable offence suspected

157.(1) If, from information received or otherwise, an officer in charge of a police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police-report, and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the Government may, by general or special order, prescribe in this behalf to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Where local investigation dispensed with

Provided as follows:-

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(a) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

Where police-officer in charge sees no sufficient ground for investigation

(b) if it appears to the officer in charge of a police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police-station shall state in his said report his reasons for not fully complying with the requirements of that sub-section, and, in the case mentioned in clause (b), such officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the Government, the fact that he will not investigate the case or cause it to be investigated.

Reports under section 157 how submitted

158.(1) Every report sent to a Magistrate under section 157 shall, if the Government so directs, be submitted through such superior officer of police as the Government, by general or special order, appoints in that behalf.

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(2) Such superior officer may give such instructions to the officer in charge of the police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

Power to hold investigation or preliminary inquiry

159. Such Magistrate, on receiving such report, may direct an investigation or, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Police-officer's power to require attendance of witnesses

160. Any police-officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

Examination of witnesses by police

161.(1) Any police-officer making an investigation under this Chapter or any police-officer not below such rank as the Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

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(2) Such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

(3) The police-officer may reduce into writing any statement made to him in the course of an examination under this section, and if he does so he shall make a separate record of the statement, of each such person whose statement he records.

Statements to police not to be signed; use of such statements in evidence

162.(1) No statement made by any person to a police-officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police-diary or otherwise, or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time when such statement was made:

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Provided that, when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, the Court shall on the request of the accused, refer to such writing and direct that the accused be furnished with a copy thereof, in order that any

part of such statement, if duly proved, may be used to contradict such witness in the manner provided by section 145 of the Evidence Act, 1872. When any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination:

Provided, further that, if the Court is of opinion that any part of any such statement is not relevant to the subject-matter of the inquiry or trial or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interests, it shall record such opinion (but not the reasons therefor) and shall exclude such part from the copy of the statement furnished to the accused.

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(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (1), of the Evidence Act, 1872 or to affect the provisions of section 27 of that Act.

No inducement to be offered

163.(1) No police-officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Evidence Act, 1872, section 24.

(2) But no police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will.

Power to record statements and confessions

164.(1) [197][Any Metropolitan Magistrate, any Magistrate of the first class] and any Magistrate of the second class specially empowered in this behalf by the Government may, if he is not a police-officer record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.

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(2) Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

(3) A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and no Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect:-

"I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A.B.

Magistrate."

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Explanation-It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.

Search by police-officer

165.(1) Whenever an officer in charge of a police-station or a police-officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorized to investigate may be found in any place within the limits of the police-station of which he is in charge, or to which he is

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attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station:

Provided that no such officer shall search, or cause search to be made, for anything which is in the custody of a bank or banker as defined in the Bankers' Books Evidence Act, 1891 (XVIII of 1891),

and relates, or might disclose any information which relates, to the bank account of any person except,-

(a) for the purpose of investigating an offence under sections 403, 406, 408 and 409 and section 421 to 424 both inclusive and sections 465 to 477A (both inclusive) of the Penal Code with the prior permission in writing of a Sessions Judge; and

(b) in other cases, with the prior permission in writing of the High Court Division.

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(2) A police-officer proceeding under sub-section (1) shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may after recording in writing his reasons for so doing require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer

an order in writing specifying the place to be searched and, so far as possible, the thing for which search is to be made; and such subordinate officer may thereupon search for such thing in such place.

(4) The provisions of this Code as to search-warrants and the general provisions as to searches contained in section 102 and section 103 shall, so far as may be, apply to a search made under this section.

(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence and the owner or occupier of the place searched shall on application be furnished with a copy of the same by the Magistrate:

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Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.

When officer-in-charge of police station may require another to issue search-warrant

The Code of Criminal Procedure, 1898.

166.(1) An officer in charge of a police-station or a police-officer not being below the rank of sub-inspector making an investigation may require an officer in charge of another police-station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made, within the limits of his own station.

(2) Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

(3) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police-station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police-station or a police-officer making an investigation under this Chapter to search, or cause to be searched, any place in the limits of another police-station, in accordance with the provisions of section 165, as if such place were within the limits of his own station.

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(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police-station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 103, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in section 165, sub-sections (1) and (3).

(5) The owner or occupier of the place searched shall, on application, be furnished with a copy of any record sent to the Magistrate under sub-section (4):

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Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.

Procedure when investigation cannot be completed in twenty-four hours

167.(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police-station or the police-officer making the investigation if he is not below the rank of sub-inspector shall forthwith transmit to the [198][nearest Judicial Magistrate] a copy of the

entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

[199][(2) The Magistrate to whom an accused person is forwarded under this section or produced otherwise, may, whether he has or has not jurisdiction to try the case from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has not jurisdiction to try the case or send it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the Government, shall authorize detention in the custody of the police:

Provided further that no Magistrate shall, under any particular case, authorize the detention of an accused person in police custody for a period exceeding fifteen days in the whole; and where further detention is considered necessary, the Magistrate may, upon production of the accused either in person or through electronic video linkage, authorize such detention in judicial custody.

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Explanation- For the purposes of this Chapter, "judicial custody" means the custody of an accused in jail or in any other custody, other than the custody of the police, under the order of a Magistrate or Court during investigation.]

[200][(2A) A Magistrate authorizing the detention of an accused person in police custody under sub-section (2), may order that the accused be examined by a medical officer of nearest government hospital before he is handed over to such custody; and upon expiry of the period of police custody, the accused shall be produced before the Magistrate without unnecessary delay; and if, upon such production, there appears to be any mark of injury on the body of the person accused, or the accused alleges that he has been subjected to torture during such custody, the Magistrate shall direct that the accused be examined by a medical officer of the nearest government hospital and where the medical report reveals that the accused has been subjected to torture during police custody, the Magistrate shall proceed in accordance with law.]

(3) A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

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[201][(4) If such order is given by a Magistrate other than the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, he shall forward a copy of his order, with his reasons for making it to the Chief Metropolitan Magistrate or to the Chief Judicial Magistrate to whom he is subordinate.]

[202][(4A)] If such order is given by a Chief Metropolitan Magistrate or a Chief Judicial Magistrate, he shall forward a copy of his order, with reasons for making it to the Chief Metropolitan Sessions Judge or to the Sessions Judge to whom he is subordinate.]

[203][(5) If the investigation is not concluded within one hundred and twenty days from the date of receipt of the information relating to the commission of the offence or the order of the Magistrate for such investigation-

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(a) the Magistrate empowered to take cognizance of such offence or making the order for investigation may, if the offence to which the investigation relates is not punishable with death, imprisonment for life or imprisonment exceeding ten years, release the accused on bail to the satisfaction of such Magistrate; and

(b) the Court of Session may, if the offence to which the investigation relates is punishable with death, imprisonment for life or imprisonment exceeding ten years, release the accused on bail to the satisfaction of such Court:

Provided that if an accused is not released on bail under this sub-section, the Magistrate or, as the case may be, the Court of Session shall record the reasons for it:

Provided further that in cases in which sanction of appropriate authority is required to be obtained under the provisions of the relevant law for prosecution of the accused, the time taken for obtaining such sanction shall be excluded from the period specified in this sub-section.

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Explanation-The time taken for obtaining sanction shall commence from the day the case, with all necessary documents, is submitted for consideration of the appropriate authority and be deemed to end on the day of the receipt of the sanction order of the authority.]

(6)-(7A) [Omitted by section 2 of the Criminal Procedure (Second Amendment) Act, 1992 (Act No. XLII of 1992).]

(8) The provisions of sub-section (5) shall not apply to the investigation of an offence under section 400 or section 401 of the Penal Code, 1860 (Act XLV of 1860).]

Duties of Magistrates in relation to shown arrest and detention

[204][167A. (1) Where the officer making the investigation in a case seeks a person who is already in custody in another case to be shown arrested in that case, the Magistrate shall not allow such prayer unless the arrested person is produced before him along with a copy of the entries in the diary relating to such case and given opportunity of being heard and unless the application appears to be well-founded.

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(2) The Magistrate shall not authorize the detention of any person in judicial custody where the police forwarding report discloses that the arrest has been made for the purpose of detaining him under any law providing for preventive detention.

(3) If the Magistrate has reason to believe that any officer who has legal authority to commit a person in confinement has acted contrary to law, he shall proceed against such officer under section 220 of the Penal Code.]

Report of investigation by subordinate police-officer

168. When any subordinate police-officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer in charge of the police-station.

Release of accused when evidence deficient

169. If, upon an investigation under this Chapter, it appears to the officer in charge of the police-station or to the police-officer making the investigation that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police-report and to try the accused or [205][send] him for trial.

Case to be sent to Magistrate when evidence is sufficient

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The Code of Criminal Procedure, 1898.

170.(1) If, upon an investigation under this Chapter, it appears to the officer-in-charge of the police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police-report and to try the accused or [206][send] him for trial or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

(2) When the officer-in-charge of a police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section , he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

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(3) If the Court of the [207][Chief Metropolitan Magistrate,] [208][or the Chief Judicial Magistrate] is mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or persons.

[209][***]

(5) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

Complainants and witnesses not to be required to accompany Police-Officer

171. [210][(1)] No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a police-officer,

Complainants and witnesses not to be subjected to restraint

or shall be subjected to unnecessary restraint or incon-venience, or required to give any security for his appearance other than his own bond:

Recusant complainant or witness may be forwarded in custody

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 170, the officer in charge of the police-station may forward him in custody to the

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Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

[211][(2) Notwithstanding anything contained in sub-section (1), it shall be the responsibility of the police-officer to ensure that the complainant or the witness appears before the Court at the time of hearing of the case.]

Diary of proceedings in investigation

172.(1) Every police-officers making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

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(2) Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, not shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police-officer who made them, to refresh his memory or if the Court uses them for the purpose of

contradicting such police-officer, the provisions of the Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

Report of police-officer

173.(1) Every investigation under this Chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the police-station shall-

(a) forward to a Magistrate empowered to take cognizance of the offence on a police-report a report, in the form prescribed by the Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused (if arrested) has been forwarded in custody or has been released on his bond, and, if so, whether with or without sureties, and

(b) communicate, in such manner as may be prescribed by the Government, the action taken by him to the person, if any, by whom the information relating to the commission of the offence was first given.

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(2) Where a superior officer of police has been appointed under section 158, the report shall in any cases in which the Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer-in-charge of the police-station to make further investigation.

(3) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

[212][(3A) When such report is in respect of a case to which section 170 applies, the police-officer shall forward to the Magistrate along with the report-

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(a) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;

(b) the statements recorded under sub-section (3) of section 161 of all the persons whom the prosecution proposes to examine as its witnesses.

(3B) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (1) has been forwarded to the Magistrate and, whereupon such investigation, the officer in charge of the police-station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-section (1) to (3A) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (1).]

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(4) a copy of any report forwarded under this section shall on application, be furnished to the accused before the commencement of the inquiry or trial:

Provided that the same shall be paid for unless the Magistrate for some special reason thinks fit to furnish it free of cost.

The Code of Criminal Procedure, 1898.

Interim investigation report, etc

[213][173A. (1) Notwithstanding anything contained in sub-section (1) of section 173, before completion of an investigation of any case under this Chapter, the Police Commissioner or the District Superintendent of Police or any other officer of equivalent rank supervising the investigation, as the case may be, may require the Investigating Officer to submit an interim investigation report as to the progress of the investigation of the case.

(2) If the interim investigation report, as required, discloses that there is insufficient evidence against any accused, the Police Commissioner, the District Superintendent of Police or any other officer of equivalent rank supervising the investigation, as the case may be, may direct the Investigating Officer to submit the report to the Magistrate and upon receipt of such report, the Magistrate or the Tribunal, as the case may be, may, if satisfied, order to discharge such accused subject to sub-section (3), without prejudice to the continuation of investigation against the remaining accused persons.

(3) Notwithstanding the discharge of any accused under sub-section (2), if, upon completion of the investigation, it appears on the basis of sufficient and substantive evidence that such person is involved in the commission of the alleged offence, the Investigating Officer shall not be precluded from including his name in the police report under section 173.]

Provisions for completion of investigation

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The Code of Criminal Procedure, 1898.

[214][173B.(1) Notwithstanding anything contained in this Code, every investigation under this Chapter shall be completed within sixty working days from the date of receipt of the information relating to the offence.

(2) Where, for reasonable cause, the investigation cannot be completed within the period specified in sub-section (1), the investigating officer shall record the reasons for such delay in the case diary, apply to the Magistrate for extension of time stating the specific grounds and the additional time required, and forward a copy of such application to the superior officer supervising the investigation.

(3) Upon consideration of the application made under sub-section (2), the Magistrate may, by order, extend the time for investigation as may be deemed reasonable, and the investigating officer shall conclude the investigation within the extended time.

(4) Where the investigation is not completed within the time so extended under sub-section (3), the investigating officer shall, upon expiry of such period, report the reasons in writing to the Magistrate and send a copy thereof to the superior officer supervising the investigation.

(5) Upon consideration of the explanation submitted under sub-section (4), or where no such explanation is submitted by the investigating officer, the Magistrate may-

(a) direct that the investigation be conducted by another officer;

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(b) treat such delay as incompetence or misconduct on the part of the investigating officer, cause a note thereof to be recorded in the officer's Annual Confidential Report, and direct the appropriate authority to take action in accordance with the relevant service rules.

(6) If, upon submission of the investigation report, the Court is satisfied, having regard to the materials on record, that any person named as an accused ought, in the interest of justice, to be treated as a witness, the Court may pass an order to that effect, and such person shall be treated as a witness in the case.

(7) If, upon conclusion of the trial, the Court finds that the investigating officer either negligently or with intent to protect any person from criminal liability-

(i) failed to collect or consider any admissible evidence;

(ii) treated any person as a witness who ought to have been made an accused; or

(iii) failed to examine a material witness without justification, the Court may record a finding to that effect, treat such act or omission as misconduct or incompetence, and direct the controlling authority to take appropriate legal action against the officer in accordance with law.]

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Police to inquire and report on suicide, etc.

174.(1) The officer in charge of a police-station or some other police-officer specially empowered by the Government in that behalf, on receiving information that a person-

(a) has committed suicide, or

(b) has been killed by another, or by an animal, or by machinery or by an accident, or

(c) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the [215][nearest Executive Magistrate] empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the Government, or by any general or special order [216][of the District Magistrate], shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighborhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body,

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and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted:

Provided that, unless the Government otherwise directs, it shall not be necessary under this sub-section, in any case where the death or any person has been caused by enemy action, to make any investigation or to draw up any report or to send any intimation to a Magistrate empowered to hold inquests.

(2) The report shall be signed by such police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to [217][the District Magistrate].

(3) When there is any doubt regarding the cause of death, or when for any other reason the police-officer considers it expedient so to do, he shall, subject to such rules as the Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the Government, if the state

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of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

(4) [Omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

[218][(5) The following Magistrates are empowered to hold inquest, namely, any District Magistrate or any other Executive Magistrate specially empowered in this behalf by the Government or the District Magistrate.]

Power to summon persons

175.(1) A police-officer proceeding under section 174 may, by order in writing summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

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(2) If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the police-officer to attend a Magistrate's Court.

Inquiry by Magistrate into cause of death

176.(1) When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 174, clauses (a), (b) and (c) of sub-section (1), any Magistrate so empowered may hold an inquiry into the cause of death either instead of, or in addition to, the investigation held by the police-officer, and if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed according to the circumstances of the case.

Power to disinter corpses

(2) Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may, cause the body to be disinterred and examined.

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PART VI

The Code of Criminal Procedure, 1898.

PROCEEDINGS IN PROSECUTIONS

CHAPTER XV

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS

A.-Place of Inquiry or Trial

Ordinary place of inquiry and trial

177. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Power to order cases to be tried in different sessions divisions

178. Notwithstanding anything contained in section 177, the Government may direct that any cases or class of cases [219][sent] for trial in any district may be tried in any sessions division:

[220][* * *]

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Accused triable in district where act is done or where consequence ensues

179. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried

by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Illustrations

(a) A is wounded within the local limits of the jurisdictions of Court X, and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be required into or tried by X or Z.

(b) A is wounded within the local limits of the jurisdiction of Court X, and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y, or Court Z, to follow his ordinary pursuits. The offence of causing grievous hurt to a may be inquired into or tried by X, Y or Z.

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(c) A is put in fear of injury within the local limits of the jurisdiction of Court X, and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on a may be inquired into or tried either by X or Y.

(d) A is wounded in [221][Dhaka], and dies of his wounds in [222][Chittagong]. The offence of causing A's death may be inquired into and tried in [223][Chittagong].

Place of trial where act is offence by reason of relation to other offence

180. When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done.

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Illustrations

(a) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the court within the local limits of whose jurisdiction the offence abetted was committed.

(b) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

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(c) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

Being a thug or belonging to a gang of dacoits, escape from custody, etc.

181.(1) The offence of being a thug, of being a thug and committing murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be

inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

Criminal misappropriation and criminal breach of trust

(2) The offence of Criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received or retained by the accused person, or the offence was committed.

Theft

(3) The offence of theft, or any offence which includes theft or the possession of stolen property, may be inquired into or tried by a Court within the local limits of whose jurisdiction such offence was committed or the property stolen was possessed by the thief or by any person who received or retained the same knowing or having reason to believe it to be stolen.

Kidnapping and abduction

(4) The offence of kidnapping or abduction may be inquired into or tried by a Court within the local limits of whose jurisdiction the person kidnapped or abducted was kidnapped or abducted or was conveyed or concealed or detained.

Place of inquiry or trial where scene of offence is uncertain or not in one district only or where offence is continuing or consists of several acts

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182. When it is uncertain in which of several local areas an offence was committed, or

where an offence is committed partly in one local area and partly in another, or

where an offence is a continuing one, and continues to be committed in more local areas than one, or

where it consists of several acts done in different local areas,

it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

Offence committed on a journey

183. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a Court through or into the local limits of whose jurisdiction the

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offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Repealed

184. [Repealed by section 3 and 2nd Schedule of the Federal Laws (Revision and Declaration) Act, 1951 (Act No. XXVI of 1951).]

High Court Division to decide, in case of doubt, district where inquiry or trial shall take place

185.(1) Whenever a question arises as to which of two or more Courts subordinate to [224][* * *] High Court Division ought to inquire into or try any offence, it shall be decided by [225][the] High Court Division.

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(2). [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Power to issue summons or warrant for offence committed beyond local jurisdiction

186.(1) When [226][a Metropolitan Magistrate] [227][or a Magistrate of the first class], sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without Bangladesh, an offence which cannot, under the provisions of sections

177 to [228][183] (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in Bangladesh, such Magistrate may inquire into the offence as if it had been committed within such local limits and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

Magistrate's procedure on arrest

(2) When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent or bound to appear, the case shall be reported for the orders of the High Court Division.

Procedure where warrant issued by subordinate Magistrate

187.(1) If the person has been arrested under a warrant issued under section 186 by a Magistrate [229][such Magistrate shall send the person arrested to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate] to whom he is subordinate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person in which case the person arrested shall be delivered to the police-officer executing such warrant or shall be sent to the Magistrate by whom such warrant was issued.

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(2) If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 186 such Magistrate shall send such person to such Court.

Liability for offences committed outside Bangladesh

188. When a citizen of Bangladesh commits an offence at any place without and beyond the limits of Bangladesh, or

[230][* * *]

When any person commits an offence on any ship or aircraft registered in Bangladesh wherever it may be,

he may be dealt with in respect of such offence as if it had been committed at any place within Bangladesh at which he may be found:

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The Code of Criminal Procedure, 1898.

Political Agents to certify fitness of inquiry into charge

Provided that notwithstanding anything in any of the preceding sections of this Chapter no charge as to any such offence shall be inquired into in Bangladesh [231][except with the sanction of the Government]:

Provided, also, that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in Bangladesh shall be a bar to further proceedings against him under [232][the Extradition Act, 1974], in respect of the same offence in any territory beyond the limits of Bangladesh.

Power to direct copies of depositions and exhibits to be received in evidence

189. Whenever any such offence as is referred to in section 188 is being inquired into or tried, the Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before [233][* * *] a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

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The Code of Criminal Procedure, 1898.

B.-Conditions requisite for Initiation of Proceedings

Cognizance of offences by Magistrates

190.(1) Except as hereinafter provided, any [234][Chief Metropolitan Magistrate,] [235][Metropolitan Magistrate], [236][Chief Judicial Magistrate, Magistrate of the first class, and any other Magistrate specially empowered in this behalf under sub-section (2) or (3)], may take cognizance of any offence-

(a) upon receiving a complaint of facts which constitute such offence;

(b) upon a report in writing of such facts made by any police-officer;

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(c) upon information received from any person other than a police-officer, or upon his own knowledge or suspicion, that such offence has been committed.

[237][(2) the Government may, and subject to any general or special order issued in this behalf by the High Court Division, the Chief Judicial Magistrate may empower any Magistrate of the second or third class to take cognizance under sub-section (1) clause (a) or clause (b) of offences which he may try or send for trial]

(3) The Government may empower any Magistrate of the [238][***] second class to take cognizance under sub-section (1), clause (c), of offences for which he may try or [239][send] for trial.

[240][(4) Notwithstanding anything contained to the contrary in this section or elsewhere in this Code, the Government may, by an order specifying the reasons and period stated therein, empower any Executive Magistrate to take cognizance under clause (a), (b) or (c) or sub-section (1), of offences and the Executive Magistrate shall send it for trial to the court of competent jurisdiction.]

Transfer [241][***] on application of accused

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The Code of Criminal Procedure, 1898.

191. When a Magistrate takes cognizance of an offence under sub-section (1), clause (c), of the preceding section, the accused shall, before any evidence is taken, be informed that he is entitled to have the case tried by another Court, and if the accused, or any of the accused if there be more than one, objects to being tried by such Magistrate, the case shall, instead of being tried by such Magistrate, be [242][sent] to the Court of Session or transferred to another Magistrate.

Transfer of cases by Magistrates

192.(1) [243][[244][The Chief Metropolitan Magistrate], or [245][any Chief Judicial Magistrate] may transfer any case, of which he has taken cognizance, for inquiry or trial, to any Magistrate sub-ordinate to him.

(2) Any [246][Chief Judicial Magistrate] may empower any Magistrate of the first class who has taken cognizance of any case to transfer it for inquiry or trial to any other specified Magistrate in his district who is competent under this Code to try accused or [247][send] him for trial; and such Magistrate may dispose of the case accordingly.

Cognizance offences by Courts of Session

193.(1) Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction unless the accused has been [248][sent] to it by a Magistrate duly empowered in that behalf.

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(2) Additional Sessions Judges and [249][Joint] Sessions Judges shall try such cases only as the Government by general or special order may direct them to try, or as the Sessions Judge of the division, by general or special order, may make over to them for trial.

Omitted

194. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

Prosecution for contempt of lawful authority of public servants

195.(1) No Court shall take cognizance:-

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(a) of any offence punishable under sections 172 to 188 of the Penal Code, except on the complaint in writing of the public servant concerned, or of some other public servant to whom he is subordinate;

Prosecution for certain offences against public justice

(b) of any offence punishable under any of the following sections of the same Code, namely, sections 193, 194, 195, 196, 199, 200, 205, 207, 208, 209, 210, 211 and 228, when such offence

is alleged to have been committed in, or in relation to, any proceeding in any Court, except on the complaint in writing of such Court or of some other Court to which such Court is subordinate; or

Prosecution for certain offences relating to documents given in evidence

(c) of any offence described in section 463 or punishable under section 471, section 475 or section 476 of the same Code, when such offence is alleged to have been committed by a party to any proceeding in any Court in respect of a document produced or given in evidence in such proceeding, except on the complaint in writing of such Court, or of some other Court to which such Court is subordinate.

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(2) In clauses (b) and (c) of sub-section (1), the term "Court" includes a Civil, Revenue or Criminal Court, but does not include a Registrar or Sub-Registrar under the [250][Registration Act, 1908].

(3) For the purposes of this section, a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court, or in the case of a Civil Court from whose decrees no appeal ordinarily lies to the principal Court having

ordinary original civil jurisdiction within the local limits of whose jurisdiction such Civil Court is situate:

Provided that-

(a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such court shall be deemed to be subordinate; and

(b) where appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.

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(4) The provisions of sub-section (1), with reference to the offences named therein, apply also to criminal conspiracies to commit such offences and to the abetment of such offences, and attempts to commit them.

(5) Where a complaint has been made under sub-section (1), clause (a), by a public servant, any authority to which such public servant is subordinate may order the withdrawal of the complaint and, if it does so, it shall forward a copy of such order to the Court and, upon receipt thereof by the Court, no further proceedings shall be taken on the complaint.

Prosecution for offences against the State

196. No Court shall take cognizance of any offence punishable under Chapter VI or IXA of the Penal Code (except section 127), or punishable under section 108A, or section 153A, or section 294A, or section 295A or section 505 of the same Code, unless upon complaint made by order of, or under authority from, the [251][Government, or some officer empowered in this behalf by the Government].

Prosecution for certain classes of criminal conspiracy

[252][196A. No Court shall take cognizance of the offence of criminal conspiracy punishable under section 120B of the Penal Code,

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(1) in a case where the object of the conspiracy is to commit either an illegal act other than an offence, or a legal act by illegal means, or an offence to which the provisions of section 196 apply, unless upon complaint made by order or under authority from the [253][Government, or some officer empowered in this behalf by the Government], or.

(2) in a case where the object of the conspiracy is to commit any non-cognizable offence, or a cognizable offence not punishable with death, transportation or rigorous imprisonment for a term of two years or upwards, unless the [254][Government, [255][***] or a] District Magistrate empowered in this behalf by the Government, has, by order in writing consented to the initiation of the proceedings:

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Provided that where the criminal conspiracy is one to which the provisions of sub-section (4) of section 195 apply no such consent shall be necessary.]

Preliminary inquiry in certain cases

The Code of Criminal Procedure, 1898.

[256][196B. In the case of any offence in respect of which the provisions of section 196 or section 196A apply, [257][[258][***] a District Magistrate may, notwithstanding anything contained in those sections or in any other part of this Code, order a preliminary investigation by a police-officer not being below the rank of Inspector, in which case such police-officer shall have the powers referred to in section 155, sub-section (3).]

Prosecution of Judges and public servants

197.(1) When any person who is a Judge within the meaning of section 19 of the Penal Code, or when any Magistrate, or when any public servant who is not removable from his office save by or with the sanction of the Government, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the [259][previous sanction of the Government]-

[260][* * *]

Power of Government as to prosecution

(2) [261][The Government] may determine the person by whom, the manner in which, the offence or offences for which, the prosecution of such Judge, Magistrate or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Prosecution for breach of contract, defamation and offences against marriage

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The Code of Criminal Procedure, 1898.

198. No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence:

Provided that, where the person so aggrieved is a woman who, according to the customs and manners of the country, ought not to be compelled to appear in public, or where such person is under the age of eighteen years or is an idiot or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his or her behalf:

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Provided further that where the husband aggrieved by an offence under section 494 of the said code is serving in any of the armed forces of Bangladesh under conditions which are certified by the Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, some other persons authorized by the husband in accordance with the provisions of sub-section (1) of section 199B may, with the leave of the Court, make a complaint on his behalf.

The Code of Criminal Procedure, 1898.

Prosecution for adultery or enticing a married woman

199. No Court shall take cognizance of an offence under section 497 or section 498 of the Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, made with the leave of the Court by some person who had care of such woman on his behalf at the time when such offence was committed:

Provided that, where such husband is under the age of eighteen years, or is an idiot or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his behalf:

Provided further that where such husband is serving in any of the armed forces of Bangladesh under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, and where for any reason no complaint has been made by a person having care of the woman as aforesaid, some other person authorized by the husband in accordance with the provisions of sub-section (1) of section 199B may, with the leave of the Court, make a complaint on his behalf.

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The Code of Criminal Procedure, 1898.

Objection by lawful guardian to compliant by person other than person aggrieved

[262][199A. When in any case falling under section 198 or section 199, the person on whose behalf the complaint is sought to be made is under the age of eighteen years or is a lunatic, and the person applying for leave has not been appointed or declared by competent authority to be the guardian of the person of the said minor or lunatic, and the Court is satisfied that there is a guardian so appointed or declared, notice shall be given to such guardian, and the Court shall, before granting the application, give him a reasonable opportunity of objecting to the granting thereof.]

Form of authorization under second proviso to section 198 or 199

[263][199B.(1) The authorization of a husband given to another person to make a complaint on his behalf under the second proviso to section 198 or the second proviso to section 199 shall be in writing, shall be signed or otherwise attested by the husband, shall contain a statement to the effect that he has been informed of the allegations upon which the complaint is to be founded, shall be countersigned by the Officer referred to in the said provisos, and shall be accompanied by a certificate signed by that Officer to the effect that leave of absence for the purpose of making a complaint in person cannot for the time being be granted to the husband.

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(2) Any document purporting to be such an authorization and complying with the provisions of sub-section (1), and any document purporting to be a certificate required by that sub-section shall, unless the contrary is proved, be presumed to be genuine, and shall be received in evidence.]

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CHAPTER XVI

OF COMPLAINTS TO MAGISTRATES

Examination of complainant

The Code of Criminal Procedure, 1898.

200. A Magistrate taking cognizance of an offence on complaint shall at once examine [264][upon oath the complainant and such of the witnesses present, if any, as he may consider necessary,] and the substance of the examination shall be reduced to writing and shall be signed [265][by the complainant or witness so examined], and also by the Magistrate:

Provided as follows:-

(a) when the complaint is made in writing, nothing herein contained shall be deemed to require [266][such examination] before transferring the case under section 192;

(aa) when the complaint is made in writing nothing herein contained shall be deemed to require [267][such examination] in any case in which the complaint has been made by a Court or by a public servant acting or purporting to act in the discharge of his official duties;

[268][* * *]

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(c) when the case has been transferred under section 192 and the Magistrate so transferring it has already [269][examined the complainant and witness if any,] the Magistrate to whom it is so transferred shall not be bound to [270][re-examine them].

Procedure by Magistrate not competent to take cognizance of the case

201.(1) If the complaint has been made in writing to a Magistrate who is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper Court with an endorsement to that effect.

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(2) If the complaint has not been made in writing, such Magistrate shall direct the complainant to the proper Court.

Postponement for issue of process

202.(1) Any Magistrate, on receipt of a complaint of an offence of he is authorized to take cognizance, or which has been transferred to him under section 192, may, if he thinks fit, for reasons to be recorded in writing, postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or, if he is a Magistrate other than a Magistrate of the third class, direct an inquiry or investigation to be made by any

Magistrate subordinate to him, or by a police-officer, or by such other person as he thinks fit, for the purpose of ascertaining the truth of falsehood of the complaint:

Provided that, save where the complaint has been made by a Court, no such direction shall be made unless the [271][provisions of section 200 have been complied with] [272][:

[273][* * *]]

[274][Provided further that where it appears to the Magistrate that the offence complained of is triable exclusively by a Court of Session, the Magistrate may postpone the issue of process for compelling the attendance of the person complained against and may make or cause to be made an inquiry or investigation as mentioned in this sub-section for the purpose of ascertaining the truth or falsehood of the complaint.]

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(2) If any inquiry or investigation under this section is made by a person not being a Magistrate or a police-officer, such person shall exercise all the powers conferred by this Code on an officer in charge of a police-station, except that he shall not have power to arrest without warrant.

(2A) Any Magistrate inquiring into a case under this section may, if he thinks, fit, take evidence of witnesses on oath [275][:

Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his witnesses and examine them on oath.]

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[276][(2B) Where the police submits the final report, the Magistrate shall be competent to accept such report and discharge the accused.]

Dismissal of complaint

203. The Magistrate before whom a complaint is made or to whom it has been transferred, may dismiss the complaint, if after considering the statement on oath (if any) of the complainant and

the result of the investigation or inquiry (if any) under section 202; there is in his judgment no sufficient ground for proceeding. In such cases he shall briefly record his reasons for so doing.

CHAPTER XVII

OF THE COMMENCEMENT OF PROCEEDINGS BEFORE MAGISTRATES

Issue of process

204.(1) If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding, and the case appears to be one in which, according to the fourth column of the second schedule, a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which, according to that column, a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has not jurisdiction himself) some other Magistrate having jurisdiction.

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[277][(1A) No summons or warrant shall be issued against the accused under sub-section (1) until a list of the prosecution witnesses has been filed.

(1B) In a proceeding instituted upon a complaint made in writing, every summons or warrant issued under sub-section (1) shall be accompanied by a copy of such complaint.]

(2) Nothing in this section shall be deemed to affect the provisions of section 90.

(3) When by any law for the time being in force any process fees or other fees are payable, no process shall be issued until the fees are paid, and, if such fees are not paid within a reasonable time, the Magistrate may dismiss the complaint.

Magistrate may dispense with personal attendance of accused

205.(1) Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

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(2) But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

[Omitted] & 205B. [Omitted]

The Code of Criminal Procedure, 1898.

[278][205A and 205B. [Omitted by section 13 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).]

Transfer of case of Court of Session when offence is trial exclusively by it

205C. When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall-

(a) send the case to the Court of Session;

(b) subject to the provisions of this Code relating to bail, remand the accused to custody during, and until the conclusion of, the trial;

(c) send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence;

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(d) notify the Public Prosecutor of the transfer of the case to the Court of Session.

Transfer of case to [279][Chief Metropolitan Magistrate, Chief Judicial Magistrate], etc.

[280][205CC.(1) When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the [281][Chief Metropolitan Magistrate,] [282][or Chief Judicial Magistrate], he shall-

(a) send the case to the [283][Chief Metropolitan Magistrate or, as the case may be, [284][Chief Judicial Magistrate];

(b) subject to the provisions of this Code relating to bail, remand the accused to custody during, and until the conclusion of, the trial;

(c) send to the [Chief Metropolitan Magistrate or, as the case may be, [285][Chief Judicial Magistrate] the record of the case and the documents and articles, if any, which are to be produced in evidence.

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(2) The [286][Chief Judicial Magistrate or the Chief Metropolitan Magistrate] may direct that any case received by him under sub-section (1) or any class of such cases shall be heard by any [287][Additional Chief Metropolitan Magistrate or, Additional Chief Judicial Magistrate] subordinate to him.]

Procedure to be followed when there is a complaint case and police investigation in respect of the same offence

205D.(1) When in a case instituted otherwise than on a police report (hereinafter referred to as a complaint case), it is made to appear to the Magistrate, during the course of the inquiry or trial held by him, that an investigation by the police is in progress in relation to the offence which is the subject-matter of the inquiry or trial held by him, the Magistrate shall stay the proceedings of such inquiry or trial and call for a report on the matter from the police-officer conducting the investigation.

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(2) If a report is made by the investigating police-officer under section 173 and on such report cognizance of any offence is taken by the Magistrate against any person who is an accused in the complaint case, the Magistrate shall inquire into or try together the complaint case and the case arising out of the police report as if both the cases were instituted on a police report.

(3) If the police report does not relate to any accused in the complaint case or if the Magistrate does not take cognizance of any offence on the police report, he shall proceed with the inquiry or trial, which was stayed by him, in accordance with the provisions of this Code].

CHAPTER XVIII

OF INQUIRY INTO CASES TRIABLE BY THE COURT OF SESSION OR HIGH COURT DIVISION

(206-220) Omitted

[Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

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CHAPTER XIX

OF THE CHARGE

Form of Charges

Charge to state offence

221.(1) Every charge under this Code shall state the offence with which the accused is charged.

Specific name of offence sufficient description

(2) If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

How stated where offence has no specific name

(3) If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

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(4) The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

What implied in charge

(5) The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

Language of charge

(6) The charge shall be written either in English or in the language of the Court.

Previous conviction when to be set out

(7) If the accused having been previously convicted of any offence is liable, by reason of such previous conviction, to enhanced punishment, or to punishment of a different kind, for a subsequent offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court may think fit to award for the subsequent offence, the fact, date and place of the previous conviction shall be stated in the charge. If such statement has been omitted, the Court may add it at any time before sentence is passed.

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Illustrations

(a) A is charged with the murder of B. This equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five

exceptions to section 300, or that, if it did fall within Exception 1, one or other of the three provisions to that exception apply to it.

(b) A is charged, under section 326 of the Penal Code with voluntarily causing grievous hurt to B by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Penal Code, and that the general exceptions did not apply to it.

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(c) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery, or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(d) A is charged, under section 184 of the Penal Code with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Particulars as to time, place and person

222.(1) The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

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(2) When the accused is charged with criminal breach of trust or dishonest misappropriation of money, it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed,

without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 234:

Provided that the time included between the first and last of such dates shall not exceed one year.

Form of Charges

When manner of committing offence must be stated

223. When the nature of the case is such that the particulars mentioned in sections 221 and 222 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

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Illustrations

(a) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(b) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(c) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

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(d) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(e) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

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(f) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

Words in charge taken in sense of law under which offence is punishable

224. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Effect of errors

The Code of Criminal Procedure, 1898.

225. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was in fact misled by such error or omission, and it has occasioned a failure of justice.

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Illustrations

(a) A is charged under section 242 of the Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(b) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(c) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in the case, a material error.

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(d) A is charged with the murder of Khoda Baksh on the 21st January, 1882. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January, 1882. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(e) A was charged with murdering Haidar Baksh on the 20th January, 1882, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January, 1882. When charged for the murder of Haider Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haider Baksh. The Court may infer from this that A was misled, and that the error was material.

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Omitted

226. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

Court may alter charge

The Code of Criminal Procedure, 1898.

227.(1) Any Court may alter or add to any charge at any time before judgment is pronounced [288][* * *].

(2) Every such alteration or addition shall be read and explained to the accused.

When trial may proceed immediately after alteration

228. If the charge framed or alteration or addition made under [289][* * *] section 227 is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may, in its discretion, after such charge or alteration or addition has been framed or made proceed with the trial as if the new or altered charged had been the original charge.

When new trial may be directed, or trial suspended

229. If the new or altered or added charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

Stay of proceedings if prosecution of offence in altered charge require previous sanction

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The Code of Criminal Procedure, 1898.

230. If the offence stated in the new or altered or added charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

Recall of witnesses when charge altered

231. Whenever a charge is altered or added to by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to re-call or re-summon, and examine with reference to such alteration or addition, any witness who may have been examined and also to call any further witness whom the Court may think to be material.

Effect of material error

232.(1) If any Appellate Court, or the High Court Division in the exercise of its powers of revision or of its powers under Chapter XXVII, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

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(2) If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration

A is convicted of an offence, under section 196 of the Penal Code, upon a charge which omits to state that he knew the evidence, which he corruptly used or attempted to use as true or genuine, was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but, if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

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The Code of Criminal Procedure, 1898.

Joinder of Charges

Separate charges for distinct offences

233. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases mentioned in sections 234, 235, 236 and 239.

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Illustration

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and causing grievous hurt.

Three offences of same kind within year may be charged together

234.(1) When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, whether in respect of the

same person or not, he may be charged with, and tried at one trial for, any number of them not exceeding three.

(2) Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Penal Code or of any special [290][* * *] law:

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Provided that, for the purpose of this section, an offence punishable under section 379 of the Penal Code shall be deemed to be an offence of the same kind as an offence punishable under section 380 of the said Code, and that an offence punishable under any section of the Penal Code, or of any special or local law, shall be deemed to be an offence of the same kind as an attempt to commit such offence, when such an attempt is an offence.

Trial for more than one offence

The Code of Criminal Procedure, 1898.

235.(1) If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

Offence falling within two definitions

(2) If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for, each of such offences.

Acts constituting one offence, but constituting when combined a different offence

(3) If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with, and tried at one trial for, the offence constituted by such acts when combined, and for any offence constituted by anyone, or more, of such acts.

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(4) Nothing contained in this section shall affect the Penal Code, section 71.

Illustrations

to sub-section (1)-

(a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with, and convicted of, offences under sections 225 and 333 of the Penal Code.

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(b) A commits house-breaking by day with intent to commit adultery, and commits in the house so entered adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497 of the Penal Code.

(c) A entices B. the wife of C, away from C, with intent to commit adultery with, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Penal Code.

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(d) A has in his possession several seals, knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 473 of the Penal Code.

(e) With intent of cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charges. A may be separately charged with, and convicted of, two offences under section 211 of the Penal Code.

(f) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 211 and 194 of the Penal Code.

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(g) A, with six others, commits the offences of rioting, grievous hurt and assaulting a public servant endeavoring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147, 325 and 152 of the Penal Code.

(h) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Penal Code.

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The separate changes referred to in Illustrations (a) to (h) respectively may be tried at the same time.

to sub-section (2)-

(i) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Penal Code.

(j) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Penal Code.

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(k) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Penal Code.

(l) A dishonesty uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under section 167 of the Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

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to sub-section (3)-

(m) A commits robbery on B, and in doing so voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Penal Code.

Where it is doubtful what offence has been committed

236. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

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Illustrations

(a) A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property criminal breach

of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

(b) A states on oath before the Magistrate that he saw B hit C with a club. Before the Sessions Court A states on oath that B never hit C. A may be charged in the alternative and convicted of intentionally giving false evidence, although it cannot be proved which of these contradictory statements was false.

When a person is charged with one offence, he can be convicted of another

237. If, in the case mentioned in section 236, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

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Illustration

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust or of receiving stolen goods (as the case may be) though he was not charged with such offence.

When offence proved included in offence charged

238.(1) When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved, but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

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(2) When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence, although he is not charged with it.

(2A) When a person is charged with an offence, he may be convicted of an attempt to commit such offence although the attempt is not separately charged.

(3) Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 198 or section 199 when no complaint has been made as required by that section.

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Illustrations

(a) A is charged, under section 407 of the Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears, that he did commit criminal breach of trust under section 406 in respect of the property but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(b) A is charged under section 325 of the Penal Code, with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code.

What persons may be charged jointly

239. The following persons may be charged and tried together, namely:-

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(a) persons accused of the same offence committed in the course of the same transaction;

(b) persons accused of an offence and persons accused of abetment, or of an attempt to commit such offence;

(c) persons accused of more than one offence of the same kind, within the meaning of section 234 committed by them jointly within the period of twelve months;

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(d) persons accused of different offences committed in the course of the same transaction;

(e) persons accused of an offence which includes theft, extortion, or criminal misappropriation, and persons accused of receiving or retaining, or assisting in the disposal or concealment of, property possession of which is alleged to have been transferred by any such offence committed by the first-named persons, or of abetment of or attempting to commit any such last named offence;

(f) persons accused of any offence under sections 411 and 414 of the Penal Code or either of those sections in respect of stolen property the possession of which has been transferred by one offence; and

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(g) persons accused of any offence under Chapter XII of the Penal Code relating to counterfeit coin, and persons accused of any other offence under the said Chapter relating to the same coin, or of abetment of or attempting to commit any such offence;

and the provisions contained in the former part of this Chapter shall, so far as may be, apply to all such charges.

Withdrawal of remaining charges on conviction on one of several charges

240. When a charge containing more heads than one is framed against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

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The Code of Criminal Procedure, 1898.

CHAPTER XX

OF THE TRIAL OF [291][CASES] BY MAGISTRATES

Procedure in cases

241. The following procedure shall be observed by Magistrates in the trial of [292][cases].

When accused shall be discharged

[293][241A. When the accused appears or is brought before the Magistrate, and if the Magistrate, upon consideration of the record of the case and the documents submitted therewith and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, considers the charge to be groundless, he shall discharge the accused and record his reasons for so doing.]

Charge to be framed

[294][242. [295][If, after such consideration and hearing as aforesaid, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence, the Magistrate shall frame a formal charge] relating to the offence of which he is accused and he shall be asked whether he admits that he has committed the offence with which he is charged.]

Conviction on admission of truth of accusation

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The Code of Criminal Procedure, 1898.

243. If the accused admits that he has committed the offence [296][with which he is charged], his admission shall be recorded as nearly as possible in the words used by him; and, if he shows no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.

Procedure when no such admission is made

244.(1) If the Magistrate does not convict the accused under the preceding section or if the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence:

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Provided that the Magistrate shall not be bound to hear any person as complainant in any case in which the complaint has been made by a Court.

(2) The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue a summons to any witness directed him to attend or to produce any document or other thing.

(3) The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

Acquittal

245.(1) If the Magistrate upon taking the evidence referred to in section 244 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

Sentence

(2) Where the Magistrate does not proceed in accordance with the provisions of section 349 [297][***], he shall, if he finds the accused guilty, pass sentence upon him according to law.

Omitted

246. [Omitted by section 18 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).]

Non-appearance of complainant

247. [298][In a case instituted upon complaint, if on] the day appointed for the appearance of the accused, or any day subsequent thereto which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything herein before contained, acquit the

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accused, unless for some reason he thinks proper to adjoin the hearing of the case to some other day:

Provided that, where the complainant is a public servant and his personal attendance is not required, the Magistrate may dispense with his attendance, and proceed with the case.

Withdrawal of complaint

248. If a complainant, at any time before a final order is passed in any case under this Chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Power to stop proceedings when no complainant

249. In any case instituted otherwise than upon complaint, [299][a Metropolitan Magistrate], a Magistrate of the first class, or with the previous sanction of the [300][Chief Judicial Magistrate, any other Judicial Magistrate], may for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.

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The Code of Criminal Procedure, 1898.

Frivolous Accusations in Cases tried by Magistrates.

False, frivolous or vexatious accusations

250.(1) If in any case instituted upon complaint or upon information given to a police-officer or to a Magistrate, one or more persons is or are accused before a Magistrate or any offence triable by a Magistrate, and the Magistrate by whom the case is heard discharges or acquits all or any of the accused, and is or opinion that the accusation against them or any of them was false and either frivolous or vexatious, the Magistrate [301][shall], by his order of discharge or acquittal, if the person upon whose complaint or information the accusation was made is present, call upon him forthwith to show cause why he should not pay compensation to such accused or to each or any of such accused when there are more than one, or, if such person is not present direct the issue of a summons to him to appear and show cause as aforesaid.

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(2) The Magistrate shall record and consider any cause which such complainant or information may show and if he is satisfied that the accusation was false and either frivolous or vexatious [302][shall], for reasons to be recorded, direct that compensation to such amount not exceeding [303][fifty thousand Taka] or, if the Magistrate is a Magistrate of the third Class, not

exceeding [304][twenty-five thousand Taka], as he may determine be paid by such complainant or informant to the accused or to each or any of them.

(2A) The Magistrate may, by the order directing payment of the compensation under sub-section (2), further order that, in default of payment, the person ordered to pay such compensation shall suffer simple imprisonment for a period not exceeding thirty days.

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(2B) When any person is imprisoned under sub-section (2A), the provisions of sections 68 and 69 of the Penal Code shall, so far as may be, apply.

(2C) No person who has been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him:

Provided that any amount paid to an accused person under this section shall be taken into account in awarding compensation to such person in any subsequent civil suit relating to the same matter.

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(3) A complainant or informant who has been ordered under sub-section (2) by a Magistrate of the second or third class to pay compensation or has been so ordered by any other Magistrate to pay compensation exceeding [305][five thousand taka] may appeal from the order, in so far as the order

relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(4) When an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if any appeal is presented, before the appeal has been decided and, where such order is made in a case which is not so subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order.

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[306][(5) Notwithstanding anything contained in this section, the Magistrate may, in addition to the order directing payment of the compensation under sub-section (2), further order that the person ordered to pay such compensation shall also suffer imprisonment for a period not exceeding six months or pay a fine not exceeding [307][one lac taka].]

The Code of Criminal Procedure, 1898.

CHAPTER XXI

OF THE TRIAL OF WARRANT-CASES BY MAGISTRATES

(251-259) Omitted

[Omitted by section 21 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).]

CHAPTER XXII

OF SUMMARY TRIALS

Power to try summarily

260.(1) Notwithstanding anything contained in this Code,-

[308][(a) the Metropolitan Magistrate [309][***],

(b) [310][any [311][***] Magistrate] of the first class [312][***] , and

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The Code of Criminal Procedure, 1898.

(c) any Bench of Magistrates invested with the powers of a Magistrate of the first class [313][***],

[314][shall] try in a summary way all or any of the following offences:-

(a) offences not punishable with death, transportation or imprisonment for a term exceeding [315][two years];

(b) offences relating to weights and measures under sections 264, 265 and 266 of the Penal Code;

(c) Hurt, under section 323 of the same Code;

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(d) theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed [316][five lac taka];

(e) dishonest misappropriation of property under section 403 of the same Code, where the value of the property misappropriated does not exceed [317][five lac taka];

(f) receiving or retaining stolen property under section 411 of the same Code, where the value of such property does not exceed [318][five lac taka];

(g) assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed [319][five lac taka];

(h) mischief, under [320][sections 426 and 427] of the same Code;

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(i) [321][criminal trespass, under section 447, and] house trespass, under section 448, and offences under sections 451, 453, 454, 456 and 457 or the same Code;

(j) insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, [322][and offences under sections 509 and 510] of the same Code;

[323][(jj) offence of bribery and personation at an election under sections 171E and 171F of the same Code;]

(k) abetment of any of the foregoing offences;

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(l) an attempt to commit any of the foregoing offences, when such attempt is an offence;

(m) offences under section 20 of the Cattle-trespass Act,1871: Provided that no case in which a Magistrate exercises the special powers conferred by section [324][33A] shall be tried in a summary way.

(2) [Omitted by section 22 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).]

Power to invest Bench of Magistrates invested with less power

261. The Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:-

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(a) offences against the Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426, 447 and 504;

(b) offences against Municipal Acts, and the conservancy clauses of Police Acts which are punishable only with fine or with imprisonment for a term not exceeding one month with or without fine;

(c) abatement of any of the foregoing offences;

(d) an attempt to commit any of the foregoing offences, when such attempt is an offence.

[325][Procedure for summary trials]

262.(1) In trials under this Chapter, the procedure prescribed [326][in Chapter XX] shall be followed [327][* * *] except as hereinafter mentioned.

Limit of imprisonment

(2) No sentence of imprisonment for a term exceeding [328][two years] shall be passed in the case of any conviction under this Chapter.

Record in cases where is no appeal

263. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in such form as the Government may direct the following particulars:-

(a) the serial number;

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(b) the date of the commission of the offence;

(c) the date of the report or complaint;

(d) the name of the complainant (if any);

(e) the name, parentage and residence of the accused;

(f) the offence complained of and the offence (if any) proved, and in cases coming under clause (d), clause (e), clause (f) or clause (g) of sub-section (1) of section 260 the value of the property in respect of which the offence has been committed;

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(g) the plea of the accused and his examination (if any);

(h) the finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(i) the sentence or other final order; and

(j) the date on which the proceedings terminated.

Record in appealable cases

264.(1) In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall, before passing sentence, record judgment embodying the substance of the evidence and also the particulars mentioned in section 263.

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(2) Such judgment [329][and memorandum of the substance of the evidence as required by section 355] shall be the only record in cases coming within this section.

Special procedure for summary trials

The Code of Criminal Procedure, 1898.

[330][264A. Notwithstanding anything contained in section 262, the framing of charges, recording of evidence, examination of the accused under section 342, and pronouncement of judgment may, if practicable, be completed in the same session at any place within the jurisdiction of the Court.]

Language of record and judgment

265.(1) Records made under section 263 and judgments recorded under section 264 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately sub-ordinate so directs, in such officer's mother-tongue.

Bench may be authorised to employ clerk

(2) The Government may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

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(3) If no such authorization be given, the record prepared by a member of the Bench and signed as aforesaid shall be the proper record.

(4) If the Bench differ in opinion, any dissentient member may write a separate judgment.

The Code of Criminal Procedure, 1898.

[331]CHAPTER XXIII

OF TRIALS BEFORE COURTS OF SESSION

Trial to be conducted by Public Prosecutor

265A. In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

Opening case for prosecution

265B. When the accused appears or is brought before the Court in pursuance of section 205C, the prosecutor shall open his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the accused.

Discharge

265C. If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Court considers that there is no sufficient ground for proceeding against the accused, it shall discharge the accused and record the reasons for so doing.

Framing charge

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265D.(1) If, after such consideration and hearing as aforesaid, the Court is of opinion that there is ground for presuming that the accused has committed an offence, it shall frame in writing a charge against the accused.

(2) Where the Court frames a charge under sub-section (1), the charge shall be read and explained to the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.

Conviction of plea of guilty

265E. If the accused pleads guilty, the Court shall record the plea and may, in its discretion, convict him thereon.

Date for prosecution evidence

265F. If the accused refuses to plead, or does not plead, or claims to be tried or is not convicted under section 265E, the Court shall fix a date for the examination of witnesses, and may, on the application of the prosecution, issue any process for compelling the attendance of any witness or the production of any document or other thing.

Evidence of prosecution

265G.(1) On the date so fixed, the Court shall proceed to take all such evidence as may be produced in support of the prosecution.

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(2) The Court may, in its discretion, permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.

Acquittal

265H. If, after taking the evidence for the prosecution, examining the accused and hearing the prosecution and the defence on the point, the Court considers that there is no evidence that the accused committed the offence, the Court shall record an order of acquittal.

Arguments

265J. When the examination of the witnesses (if any) for the defence is complete, the prosecutor shall sum up his case and the accused or his pleader shall be entitled to reply:

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Provided that where any point of law is raised by the accused or his pleader, the prosecution may, with the permission of the Court, make his submissions with regard to such point of law.

Judgment of acquittal or conviction

265K.(1) After hearing arguments and points of law (if any), the Court shall give a judgment in the case.

(2) [Omitted by section 3 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1983 (Ordinance No. XXXVII of 1983).]

Entering upon defence

265-I.(1) Where the accused is not acquitted under section 265H, he shall be called upon to enter on his defence and adduce any evidence he may have in support thereof.

(2) If the accused puts in any written statement, the Court shall file it with the record.

(3) If the accused applies for the issue of any process for compelling the attendance of any witness or the production of any document or thing, the Court shall issue such process unless he considers for reasons to be recorded, that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice.

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Previous conviction

265L. In a case where a previous conviction is charged under the provisions of sub-section (7) of section 221, and the accused does not admit that he has been previously convicted as alleged in the charge, the Court may, after it has convicted the said accused under section 265E or section

265K, take evidence in respect of the alleged previous conviction, and shall record a finding thereon:

Provided that no such charge shall be read out by the Court nor shall the accused be asked to plead thereto nor shall the previous conviction be referred to by the prosecution or in any evidence adduced by it, unless and until the accused has been convicted under section 265E or section 265K.]

CHAPTER XXIV

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS

Tender of pardon to accomplice

337.(1) In the case of any offence triable exclusively by the [332][***] Court of Session, or any offence punishable with imprisonment which may extend to ten years, or any offence punishable under section 211 of the Penal Code, with imprisonment which may extend to seven years, or any offence under any of the following sections of the Penal Code, namely, sections 216A, 369, 401, 435 and 477A, [333][a Metropolitan Magistrate] or any Magistrate of the first class may, at any state

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of the investigation or inquiry into, or the trial of the offence, with a view to obtaining the evidence of any person supposed to have directly or indirectly concerned in or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof:

Provided that, where the offence is under inquiry or trial, no Magistrate of the first class other than the [334][Chief Judicial Magistrate shall] exercise the power hereby conferred unless he is the Magistrate making the inquiry or holding the trial, and, where the offence is under investigation, no such Magistrate shall exercise the said power unless he is a Magistrate having jurisdiction in a place where the offence might be inquired into or tried and the sanction of the [335][Chief Judicial Magistrate] has been obtained to the exercise thereof.

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(1A) Every Magistrate who tenders a pardon under sub-section (1) shall record his reasons for so doing, and shall, on application made by the accused, furnish him with a copy of such record:

Provided that the accused shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.

(2) Every person accepting a tender under this section shall be examined as a witness in the Court of the Magistrate taking cognizance of the offence and in the subsequent trial, if any.

(2A) In every case where a person has accepted a tender of pardon and has been examined under sub-section (2), the Magistrate before whom the proceedings are pending shall, if he is satisfied that there are reasonable grounds for believing that the accused is guilty of an offence, [send] him for trial to the Court of Session [336][* * *].

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(3) Such persons, unless he is already on bail, shall be detained in custody until the termination of the trial.

Power to direct tender of pardon

338. At any time [337][before the judgment is passed, the Court of Session trying the case] may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or

indirectly concerned in or privy to, any such offence, tender, or order [338][* * *] [339][or the Chief Metropolitan Magistrate or the Chief Judicial Magistrate] to tender, a pardon on the same condition to such person.

Omitted

339D. [Omitted by section 4 of the Code of Criminal Procedure (Second Amendment) Act, 1992 (Act No. XLII of 1992).]

[340][Trial] of person to whom pardon has been tendered

339.(1) Where a pardon has been tendered under section 337 or section 338, and the Public Prosecutor certifies that in his opinion any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender was made such person may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter:

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Provided that such person shall not be tried jointly with any of the other accused, and that he shall be entitled to plead at such trial that he has complied with the conditions upon which such tender was made; in which case it shall be for the prosecution to prove that such conditions have not been complied with.

(2) The statement made by a person who has accepted a tender of pardon may be given in evidence against him at such trial.

(3) No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court Division.

Procedure in trial of person under section 339

[341][339A.(1) The Court trying under section 339 a person who has accepted a tender of pardon shall

(a) if the Court is [342][* * *] Court of Session before the charge is read out and explained to the accused under [343][section 265D, sub-section (2)], and

(b) if the Court is the Court of a Magistrate, before the evidence of the witnesses for the prosecution is taken, ask the accused whether he pleads that he has complied with the conditions on which the tender of the pardon was made.

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(2) If the accused does so plead, the Court shall record the plea and proceed with the trial, and [344][* * *] shall, before judgment is passed in the case find whether or not the accused has complied with the conditions of the pardon and if it is found that he has so complied, the Court shall, notwithstanding anything contained in this Code, pass judgment of acquittal.]

Trial in absentia

[345][339B. [346][(1) Notwithstanding anything contained in section 87 and section 88, where the Court has reason to believe that an accused person has absconded or is concealing himself so that he cannot be arrested and produced for trial and there is no immediate prospect of arresting him, the Court taking cognizance of the offence complained of shall, by order published in one national daily Bangla Newspaper having wide circulation, direct such person to appear before it within such period as may be specified in the order, and if such person fails to comply with such direction, he shall be tried in his absence:

Provided that the Court may, in addition, direct that the order for appearance of the accused be published on the official website of the District and Sessions Judge Court, the Chief Judicial Magistrate Court, the Chief Metropolitan Magistrate Court, the office of the Deputy Commissioner, the Bangladesh Police, or any other government website having wide public accessibility.]

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2. Where in a case after the production or appearance of an accused before the Court or his release on bail , the accused person absconds or fails to appear, the procedure as laid down in sub-section (1) shall not apply and the Court competent to try such person for the offence complained of shall, recording its decision so to do, try such person in his absence.

Time for disposal of cases

339C.(1) A Magistrate shall conclude the trial of a case within [347][one hundred and eighty days] from the date on which the case is [348][received by him] for trial.

(2) A Sessions Judge, an Additional Sessions Judge or an Assistant Sessions Judge shall conclude the trial of a case within [349][three hundred and sixty days] from the date on which the case is received by him for trial.

[350][(2A) Notwithstanding anything contained in sub-section (1) or sub-section (2), where a person is accused in several cases and such cases are brought for trial before a Magistrate or a Court of Session, the time limit specified in sub-section (1) or sub-section (2) for the trial of such cases shall run consecutively.]

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[351][(2B) Notwithstanding the transfer of a case from one Court to another Court, the time specified in sub-section (1) or sub-section (2) shall be the time for concluding the trial of a case.]

(3) [Omitted by section 3 of the Code of Criminal Procedure (Second Amendment) Act, 1992 (Act No. XLII of 1992).]

[352][(4) If a trial cannot be concluded within the specified time, the accused in the case, if he is accused of a non-bailable offence, may be released on bail to the satisfaction of the Court, unless for reasons to be recorded in writing, the Court otherwise directs.]

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[353][(5) Nothing in this section shall apply to the trial of a case under section 400 or 401 of the Penal Code (Act XLV of 1860), or to the trial of case to which the provisions of Chapter XXXIV apply.]

[354][(6) In this section, in determining the time for the purpose of a trial,-

[355][* * *]

(b) the days spent on account of the absconsion of an accused after his release on bail, if any, shall not be counted.]

Right of person against whom proceedings are instituted to be defended and his competency to be a witness

340.(1) Any person accused of an offence before a Criminal Court, or against whom proceedings are instituted under this Code in any such Court, may of right be defended by a pleader.

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(2) Any person against whom proceedings are instituted in any such Court under section 107, or under Chapter X, Chapter XI, Chapter XII or Chapter XXXVI, or under section 552, may offer himself as a witness in such proceedings.

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[356][(3) Any person accused of an offence before a Criminal Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that-

(a) he shall not be called as a witness except on his own request in writing; or

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(b) his failure to give evidence shall not be made the subject of any comment by any of the parties or the Court or give rise to any presumption against himself or any persons charged together with him at the same trial.]

Procedure where accused does not understand proceedings

341. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than High Court Division, if such [357][proceedings result] in a conviction, the proceedings shall be forwarded to the High Court Division with a report of the circumstances of the case, and the High Court Division shall pass thereon such order as it thinks fit.

Power to examine the accused

342.(1) For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined and before he is called on for his defence.

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(2) The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court [358][* * *] may draw such inference from such refusal or answers as it thinks just.

(3) The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

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(4) No oath shall be administered to the accused.

No influence to be used to induce disclosures

343. Except as provided in sections 337 and 338, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Power to postpone or adjourn proceedings

344.(1) If, from the absence of a witness, or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn any inquiry or trial, the Court may, if it thinks fit, by order in writing, stating the reasons therefor, from time to time, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Remand

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time.

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(2) Every order made under this section by a Court other than High Court Division shall be in writing signed by the presiding Judge or Magistrate.

Reasonable cause for remand

Explanation- If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Compounding offences

345.(1) The offences punishable under the sections of the Penal Code specified in the first two columns of the table next following may be compounded by the persons mentioned in the third column of that table:-

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Offence.	Sections of Penal Code applicable.	Persons by whom offence may be compounded.
Uttering works, etc., with deliberate intent to wound the religious feelings of any person.	298	The person whose religious feelings are intended to be wounded.

The Code of Criminal Procedure, 1898.

Causing hurt	323,334	The person to whom the hurt is caused.
Wrongfully restraining or confining any person.	341, 342	The person restained or confined.
Assault or use of criminal force	352, 355, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person.	426, 427	The person to whom the loss or damage is caused.
Criminal trespass House-trespass	447 448	The person in possession of the property trespassed upon.
Criminal breach of contract of service.	490, 491, 492	The person with whom the offender has contracted.
Adultery	497	The husband of the woman.

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The Code of Criminal Procedure, 1898.

Enticing or taking away or detaining with criminal intent a married woman.	498	
Defamation Printing or engraving matter, knowing it to be defamatory. Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	500 501 502	The person defamed.
Insult intended to provoke a breach of the peace.	504	The person insulted.
Criminal intimidation except when the offence is punishable with imprisonment for seven years.	506	The person intimidated.
Act caused by making a person believe that he will be an object of divine displeasure.	508	The person against whom the offence was committed.

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The Code of Criminal Procedure, 1898.

(2) The offences punishable under the sections of the Penal Code specified in the first two columns of the table next following may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the persons mentioned in the third column of that table

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Offence.	Sections of Penal Code applicable.	Persons by whom offence may be compounded.
[359][Being member of unblawful assembly	143	The person against whom the unlawful assembly was assembled]
[360][Rioting.	147	The person against whom force or violence has been used.

The Code of Criminal Procedure, 1898.

Rioting armed with deadly weapon.	148	Ditto.]
Voluntarily causing hurt by dangerous weapons or means.	324	The person to whom hurt is caused.
Voluntarily causing grievous hurt.	325	Ditto.
Voluntarily causing grievous hurt on grave and sudden provocation.	335	The person to whom hurt is caused.
[361][Act endangering human life or the personal safety of others.	336	Ditto.]
Causing hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others. House-trespass	337	Ditto.
Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	338	Ditto.

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The Code of Criminal Procedure, 1898.

Wrongfully confining a person for three days or more	343	The person confined.
[362][Wrongfully confining for ten or more days.	344	Ditto.]
Wrongfully confining a person in secret.	346	Ditto.
[363][Wrongfully confinement to extort property or constrain to illegal act.	347	The person wrongfully confined.
Wrongful confinement to extort confession or compel restoration of property.	348	Ditto.]
[364][Assault or criminal force to women with intent to outrage her modesty.	354	The women assaulted or to whom the criminal force was used.]
[365][Assault or criminal force in attempt to commit theft of property worn or carried by a person.	356	The person assaulted or to whom criminal force is used.]
Assault or criminal force in attempting wrongfully to confine a person.	357	The person assaulted or to whom the force was used.
[366][Theft [367][* * *].	379	The owner of the property stolen.]
[368][Theft in dwelling house.	380	Ditto]

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The Code of Criminal Procedure, 1898.

[369][Theft by clerk or servant of property in possession of master [370][* * *].	381	Ditto.]
Dishonest misappropriation of property.	403	The owner of the property misappropriated.
[371][Criminal breach of trust [372][***].	406	The owner of the property in respect of which the breach of trust has been committed.
Criminal breach of trust by a carrier, wharfinger, etc. [373][***].	407	Ditto.
Criminal breach of trust by a clerk or servant [374][***].	408	Ditto.
Dishonestly receiving stolen property, knowing it to be stolen [375][* * *].	411	The owner of the property stolen.
Assisting in the concealment or disposal of stolen property, knowing it to be stolen [376][* * *].	414	Ditto.]
Cheating	417	The person cheated.
Cheating a person whose interest the offender was bound, by law or by legal contract, to protect.	418	Ditto.

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The Code of Criminal Procedure, 1898.

Cheating by personation	419	Ditto.
Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security.	420	Ditto.
[377][Fraudulent removal or concealment of property, etc. to prevent distribution among creditors.	421	The creditors who are affected thereby.
Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	422	Ditto.
Fraudulent execution of deed of transfer containing false statement of consideration.	423	The person affected thereby.
Fraudulent removal or concealment of property.	424	Ditto.
Mischief by killing or maiming animal [378][* * *].	428	The owner of the animal.
Mischief by killing or maiming cattle, etc. [379][* * *].	429	The owner of the cattle, or animal.]
Mischief by injury to work of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to a private person.	430	The person to whom the loss or damage is caused.

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The Code of Criminal Procedure, 1898.

House-trespass to commit an offence (other than theft) punishable with imprisonment.	451	The person is possession of the house trespassed upon.
Using a false trade or property mark.	482	The person to whom loss or injury is caused by such use.
Counterfeiting a trade or property mark used by another.	483	The person whose trade or property mark is counterfeited.
Knowingly selling, or exposing or possessing for sale or for trade or manufacturing purpose, goods marked with a counterfeit trade or property mark.	486	Ditto
[380][Cohabitation caused by a man deceitfully including a belief of lawful marriage.	493	The woman with whom cohabitation was caused.]
Marrying again during the life-time of a husband or wife.	494	The husband or wife of the person so marrying.
Uttering words or sounds or making gestures or exhibiting any object intending to insult the modesty of a woman or intruding upon the privacy of a woman.	509	The woman whom it is intended to insult or whose privacy is intruded upon.

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[381][Attempting to commit offences punishable with transportation or imprisonment.	511	The person against whom such attempt was made for committing the offence.]

(3) When any offence is compoundable under this section, the abatement of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

(4) When the person who would otherwise be competent to compound an offence under this section is under the age of eighteen years or is an idiot or a lunatic, any person competent to contract on his behalf may with the permission of the Court compound such offence.

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(5) When the accused has been [382][sent] for trial or when he has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court to which he is 1[383][sent] or, as the case may be, before which the appeal is to be heard.

(5A) The High Court Division acting in the exercise of its powers of revision under section 439 [384][, and a Court of Session so acting under section 439A,] may allow any person to compound any offence which he is competent to compound under this section.

(6) The composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded.

(7) No offence shall be compounded except as provided by this section.

[385][(8) Notwithstanding anything contained in this section, the Court may, where both parties agree to compound any compoundable case, facilitate the compounding process between the parties or refer the matter to the concerned Legal Aid Officer appointed under the Legal Aid Act, 2000 (Act No. 2000), or

to the advocates engaged by the parties, or, where no advocate has been engaged, to the party or parties themselves for composition; and if the Court is satisfied that a lawful agreement has been

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executed by the parties in furtherance of such compounding, it may preserve the agreement in the record and pass such orders as may be necessary to implement its terms, provided that such implementation does not prejudice the rights or interests of any third party.

Explanation: For the purpose of this sub-section, the term "party" means the person or persons by whom the offence may lawfully be compounded and the accused.]

Procedure of [386][* * *] [387][Chief Judicial Magistrate] in cases which he cannot dispose of.

346.(1) If, in the course of an inquiry or a trial before a [388][Chief Judicial Magistrate] in any district, the evidence appears to him to warrant a presumption that the case is one which should be tried or 1[389][sent] for trial by some other [390][Chief Judicial Magistrate] in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any [391][Chief Judicial Magistrate]to whom he is subordinate or to such other [392][Chief Judicial Magistrate], having jurisdiction, as the District [393][Chief Judicial Magistrate] directs.

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(2) The Magistrate to whom the case is submitted may, if so empowered, either try the case himself, or refer it to any Magistrate subordinate to him having jurisdiction, or [394][send] the accused for trial.

Procedure when, higher punishment should be inflicted on accused

The Code of Criminal Procedure, 1898.

[395][347. Notwithstanding anything contained in this Code, whenever a Magistrate of the first class is of opinion, after recording the evidence for the prosecution, that if the accused or, where more accused than one are being tried together, any of such accused is convicted he should receive a punishment more severe than that which such Magistrate is empowered to inflict, he may record his opinion and submit his proceedings, and forward the accused, or all the accused, to the Court of Session to which he is subordinate, whereupon the Court of Session shall try the case as if the case were exclusively triable by it under this Code.]

Trial of persons previously convicted of offences against coinage, stamp-law or property

348.(1) Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Penal Code, with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall if the Magistrate before whom the case is pending is satisfied that there are sufficient grounds for [396][sending] the accused be [397][sent] to the Court of Session or [398][***] unless the Magistrate is competent to try the case and is of opinion that he can himself pass an adequate sentence if the accused is convicted:

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Provided that, if any Magistrate in the district has been invested with powers under section 30, the case may be transferred to him instead of being [399][sent] to the Court of Session.

(2) When any person is [400][sent] to the Court of Session [401][***] under sub-section (1), any other person accused jointly with him in the same inquiry or trial shall be similarly [402][sent] unless the Magistrate discharges such other person under [403][section 241A].

Procedure when Magistrate cannot pass sentence sufficiently severe.

349.(1) Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion, after hearing the evidence for the prosecution and the accused, that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under section 106, he may record the opinion and submit his proceedings, and forward the accused, to the [404][Chief Judicial Magistrate or a Magistrate of the first class empowered in this behalf by the Chief Judicial Magistrate] to whom he is subordinate.

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(1A) When more accused than one are being tried together and the Magistrate considers it necessary to proceed under sub-section (1) in regard to any of such accused, he shall forward all the accused who are in his opinion guilty to the [405][Chief Judicial Magistrate or a Magistrate of the first class empowered in this behalf by the Chief Judicial Magistrate].

(2) The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case and may call for and take any further evidence, and shall pass such judgment, sentence or order in the case as he thinks fit, and as is according to law:

Provided that he shall not inflict a punishment more severe than he is empowered to inflict under sections 32 and 33.

Conviction on evidence partly recorded by one Sessions Judge, etc., and partly by another

[406][349A.(1) Whenever any Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge, after having heard and recorded the whole or any part of the evidence in a trial, ceases to exercise jurisdiction therein, and is succeeded by another Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge, as the case may be, who has and who exercises such jurisdiction, the Judge so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and recommence the trial:

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Provided that if the succeeding Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge, as the case may be, is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, he may re-summon any such witness, and after such further examination, cross-examination and re-examination, if any, as he may permit, the witness shall be discharged.

(2) When a case is transferred under the provisions of this Code from one Court of Session to another, the former shall be deemed to cease to exercise jurisdiction therein, and to be succeeded by the latter within the meaning of sub-section (1).]

Changes in constitution of Benches

[407][350A. No order or judgment of a Bench of Magistrates shall be invalid by reason only of a change having occurred in the constitution of the Bench in any case in which the Bench by which such order or judgment is passed is duly constituted under [408][section 15 and 16 or, as the case may be, section 19 and 21] , and the Magistrates constituting the same have been present on the Bench throughout the proceedings.]

Conviction [409][***] on evidence partly recorded by one Magistrate and partly by another

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The Code of Criminal Procedure, 1898.

350.(1) Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in an inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and recommence the inquiry or trial:

[410][Provided that if the succeeding Magistrate is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, he may re-summon any such witness, and after such further examination, cross-examination and re-examination, if any, as he may permit, the witness shall be discharged.]

(2) Nothing in this section applies to cases in which proceedings have been stayed under section 346 or in which proceedings have been submitted to a superior Magistrate under section 349.

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(3) When a case is transferred under the provisions of this Code from one Magistrate to another, the former shall be deemed to cease to exercise jurisdiction therein, and to be succeeded by the latter within the meaning of sub-section (1).

Detention of offenders attending Court

351.(1) Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of inquiry into or trial of any offence of which such Court can take cognizance and which, from the evidence, may appear to have been committed, and may be proceeded against as though he had been arrested or summoned.

(2) When the detention takes place [411][* * *] after a trial has been begun the proceedings in respect of such person shall be commenced afresh, and the witnesses re-heard.

Courts to be open

352. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

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Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS

Evidence to be taken in presence of accused

353. Except as otherwise expressly provided, all evidence taken under Chapters [412][* * *] XX, [413][* * *] XXII and XXIII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Manner of recording evidence

354. In inquiries and trials (other than summary trials) under this Code by or before a Magistrate or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

Record [414][***] in trials of certain offences by first and second class Magistrates

355.(1) [415][In cases tried under Chapter XX or Chapter XXII] by a Magistrate of the first or second class and in all proceedings under section 514 (if not in the course of a trial), the Magistrate shall

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make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

(2) Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

(3) If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

Record in other cases

356.(1) In all other trials before Courts of Session and Magistrates and in all inquiries under [416][Chapter XII] the evidence of each witness shall be taken down in writing in the language of the Court by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence and shall be signed by the Magistrate or Sessions Judge.

Memorandum when evidence not taken down by the Magistrate or Judge himself

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(3) In cases in which the evidence is not taken down in writing by the Magistrate or Session Judge, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

(4) If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

Evidence given in English

(2) When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

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(2A) When the evidence of such witness is given in any other language, not being English, than the language of the Court, the Magistrate or Sessions Judge may take it down in that language with his own hand, or cause it to be taken down in that language in his presence and hearing and under his personal direction and superintendence, and an authenticated translation of such evidence in the language of the Court or in English shall form part of the record.

Language of record of evidence

357.(1) The Government may direct that in any district or part of a district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates the evidence of each witness shall, in the cases referred to in section 356, be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so and shall cause the evidence to be taken down in writing from his dictation in open Court.

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(2) The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record:

Provided that the Government may direct the Sessions Judge or Magistrate to take down the evidence in the English language or in the language of the Court, although such language is not his mother-tongue.

Option to Magistrate in cases under section 355

358. In cases of the kind mentioned in section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Government has made the order referred to in section 357, in the manner provided in the same section.

Mode of recording evidence under section 356 or section 357

359.(1) Evidence taken under section 356 or section 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

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(2) The Magistrate or Sessions Judge may, in his discretion take down, or cause to be taken down, any particular question and answer.

Procedure in regard to such evidence when completed

360.(1) As the evidence of each witness taken under section 356 or section 357 is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

(2) If the witness denies the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection make to it by the witness, and shall add such remarks as he thinks necessary.

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(3) If the evidence is taken down in a language different from that in which it has been given and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

Interpretation of evidence to accused or his pleader

361.(1) Whenever any evidence is given in a language not understood by the accused, and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

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(2) If he appears by pleader and the evidence is given in a language other than the language of the Court, and not under- stood by the pleader, it shall be interpreted to such pleader in that language.

(3) When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

The Code of Criminal Procedure, 1898.

Omitted

362. [Omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

Remarks respecting demeanor of witness

363. When a Sessions Judge or Magistrate has recorded the evidence of a witness, he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

Examination of accused how recorded

364.(1) Whenever the accused is examined by any Magistrate, or by any Court other than High Court Division the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or in English: and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

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(2) When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing and that the record contains a full and true account of the statement made by the accused.

(3) In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

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(4) Nothing in this section shall be deemed to apply to the examination of an accused person under section 263.

Record of evidence in High Court Division

365. [417][The Supreme Court] shall from time to time, by general rule, prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the evidence shall be taken down in accordance with such rule.

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CHAPTER XXVI

OF THE JUDGMENT

Mode of delivering judgment

366.(1) The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced, or the substance of such judgment shall be explained-

(a) in open Court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders, and

(b) in the language of the Court, or in some other language which the accused or his pleader understands:

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Provided that the whole judgment shall be read out by the presiding Judge, if he is requested so to do either by the prosecution or the defence.

(2) The accused shall, if in custody, be brought up, or, if not in custody, be required by the Court to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted, in either of which cases it may be delivered in the presence of his pleader.

(3) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his pleader on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties of their pleaders, or any of them, the notice of such day and place.

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(4) Nothing in this section shall be construed to limit in any way the extent of the provisions of section 537.

Language of judgment Contents of judgment

The Code of Criminal Procedure, 1898.

367.(1) Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court or form the dictation of such presiding officer in the language of the Court, or in English; and shall contain the point or points for determination, the decision thereon and the reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it and where it is not written by the presiding officer with his own hand, every page of such judgment shall be signed by him.

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(2) It shall specify the offence (if any) of which, and the section of the Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

Judgment in alternative

(3) When the conviction is under the Penal Code and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

(4) If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

[418][(5) If the accused is convicted of an offence punishable with death or, in the alternative, with [419][transportation for life] or imprisonment for a term of years, the Court shall in its judgment state the reasons for the sentence awarded.]

(6) For the purposes of this section, an order under section 118 or section 123, sub-section (3), shall be deemed to be a judgment.

Sentence of death.

368.(1) When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of transportation

(2) No sentence of transportation shall specify the place to which the person sentenced is to be transported.

Court not to alter judgment

369. Save as otherwise provided by this Code or by any other law for the time being in force [420][* * *], no Court when it has signed its judgment, shall alter or review the same, except to correct a clerical error.

Omitted

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370. [Omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

Copy of judgment, etc., to be given to accused on application.

Case of person sentenced to death

371.(1) On the application of the accused a copy of the judgment, or when he so desires, a translation in his own language, if practicable, or in the language of the Court, shall be given to him without delay. Such copy shall, in any case other than a [421][case under Chapter XX], be given free of cost.

(2) [Omitted by section 2 and Schedule of the Law Reforms Ordinances 1978 (Ordinance No. XLIX of 1978).]

(3) When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Judgment when to be translated

372. The original judgment shall be filed with the record of proceedings, and, where the original is recorded in a different language from that of the Court, and the accused so requires, a translation thereof into the language of the Court shall be added to such record.

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Court of Session to send copy of finding and sentence to District Magistrate

373. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the [422][Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, and District Magistrate] within the local limits of whose jurisdiction the trial was held.

CHAPTER XXVII

OF THE SUBMISSION OF SENTENCES FOR CONFIRMATION

Sentence of death to be submitted by Court of Session

374. When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court Division and the sentence shall not be executed unless it is confirmed by the High Court Division.

Power to direct further inquiry to be made or additional evidence to be taken

375.(1) If when such proceedings, are submitted the High Court Division thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself, or direct it to be made or taken by the Court of Session.

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[423][(2) Unless the High Court Division otherwise directs, the presence of the convicted person may be dispensed with when such inquiry is made or such evidence is taken.]

(3) When the inquiry and the evidence (if any) are not made and taken by the High Court Division, the result of such inquiry and the evidence shall be certified to such Court.

Power of High Court Division to confirm sentence or annul conviction

376. In any case submitted under section 374, [424][* * *] the High Court Division-

(a) may confirm the sentence, or pass any other sentence warranted by law, or

(b) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or

(c) may acquit the accused person:

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Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

Confirmation of new sentence to be signed by two Judges

377. In every case so submitted, the confirmation of the sentence, or any new sentence or order passed by the High Court Division, shall, when such Court consists of two or more judges, be made, passed and signed by at least two of them.

Procedure in case of difference of opinion

378. When any such case is heard before a bench of Judges and such Judges are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such hearing as he thinks fit shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure in cases submitted to High Court Division for confirmation

379. In cases submitted by the Court of Session to the High Court Division for the confirmation of a sentence of death, the proper officer of the High Court Division shall, without delay, after the order of confirmation or other order has been made by the High Court Division, send a copy of the order, under the seal of the High Court Division and attested with his official signature, to the Court of Session.

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Repealed

380. [Repealed by section 16 of the Probation of Offenders Ordinance, 1960 (Ordinance No. XLV of 1960).]

CHAPTER XXVIII

OF EXECUTION

Execution of order passed under section 376

381. When a sentence of death passed by a Court of Session is submitted to the High Court Division for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court Division thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Postponement of capital sentence on pregnant woman

382. If a woman sentenced to death is found to be pregnant, the High Court Division shall order the execution of the sentence to be postponed, and may, if it thinks fit, commute the sentence to [425][transportation for life].

Execution of sentence of transportation or imprisonment in other cases

383. Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 381, the Court passing the sentence shall forthwith forward a warrant to

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the jail in which he is, or is to be, confined, and, unless the accused is already confined in such jail, shall forward him to such jail, with the warrant.

Direction of warrant for execution

384. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Warrant with whom to be lodged

385. When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Warrant for levy of fine

386.(1) Whenever an offender has been sentenced to pay a fine, the Court passing the sentence may take action for the recovery of the fine in either or both of the following ways, that is to say, it may-

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(a) issue a warrant for the levy of the amount by attachment and sale of any movable property belonging to the offender;

(b) issue a warrant to the Collector of the District authorising him to realise the amount by execution according to civil process against the movable or immovable property, or both, of the defaulter:

Provided that, if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no Court shall issue such warrant unless for special reasons to be recorded in writing is considers it necessary to do so.

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(2) The Government may make rules regulating the manner in which warrants under sub-section (1), clause (a), are to be executed, and for the summary determination of any claims made by any person other than the offender in respect of any property attached in execution of such warrant.

(3) Where the Courts issue a warrant to the Collector under sub-section (1), Clause (b), such warrant shall be deemed to be a decree, and the Collector to be the decree-holder, within the meaning of the Code of Civil Procedure, 1908, and the nearest Civil Court by which any decree for a like amount could be executed shall, for the purposes of the said Code, be deemed to be the Court which passed the Decree, and all the provisions of that Code as to execution of decrees shall apply accordingly:

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Provided that no such warrant shall be executed by the arrest or detention in prison of the offender.

Effect of such warrant

387. A warrant issued under section 386, sub-section (1), clause (a), by any Court may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the attachment and

sale of any such property without such limits, when endorsed by the District Magistrate [426][or Chief Metropolitan Magistrate] within the local limits of whose jurisdiction such property is found.

Suspension of execution of sentence of imprisonment.

388.(1) When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine, and the fine is not paid forthwith, the Court may-

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(a) order that the fine shall be payable either in full on or before a date not more than thirty days from the date of the order, or in two or three instalments, of which the first shall be payable on or before a date not more than thirty days from the date of the order and the other or others at an interval or at intervals, as the case may be, of not more than thirty days, and

(b) suspend the execution of the sentence of imprisonment and release the offender, on the execution by the offender of a bond, with or without sureties, as the Court thinks fit, conditioned

for his appearance before the Court on the date or dates on or before which payment of the fine or the instalments thereof, as the case may be, is to be made; and if the amount of the fine or of any instalment, as the case may be is not realised on or before the latest date on which it is payable under the order, the Court may direct the sentence of imprisonment to be carried into execution at once.

(2) The provisions of sub-section (1) shall be applicable also in any case in which an order for the payment of money has been made on non-recovery of which imprisonment may be awarded and the money is not paid forthwith; and, if the person against whom the order has been made, on being required to enter into a bond such as is referred to in that sub-section, fails to do so, the Court may at once pass sentence of imprisonment.

Who may issue warrant

389. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence, or by his successor in office.

[Omitted]

427[***]

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The Code of Criminal Procedure, 1898.

[Omitted]

[428][***]

[Omitted]

[429][***]

[Omitted]

[430][***]

[Omitted]

[431][***]

[Omitted]

[432][***]

Execution of sentences on escaped convicts

396.(1) When sentence is passed under this Code on an escaped convict, such sentence, if of death[433][or fine], shall, subject to the provisions hereinbefore contained, take effect immediately, and, if of imprisonment, or transportation, shall take effect according to the following rules, that is to say-

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(2) If the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

(3) When the new sentence is not severer in its kind than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

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Explanation-For the purposes of this section-

(a) a sentence of transportation shall be deemed severer than a sentence of imprisonment;

(b) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(c) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

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Sentence on offender already sentenced for another offence

397. When a person already undergoing a sentence of imprisonment, or transportation, is sentenced to imprisonment, or transportation, such imprisonment, or transportation shall commence at the

expiration of the imprisonment, or transportation to which he has been previously sentenced, unless the Court directs that the subsequent sentence shall run concurrently with such previous sentence:

Provided that, if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction is one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced:

Provided, further, that where a person who has been sentenced to imprisonment by an order under section 123 in default of furnishing security is, whilst undergoing such sentence, sentenced to imprisonment for an offence committed prior to the making of such order, the latter sentence shall commence immediately.

Saving as to sections 396 and 397

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398.(1) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences, of imprisonment, or transportation, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences.

Confinement of youthful offenders in reformatories

399.(1) When any person under the age of fifteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

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(2) All persons confined under this section shall be subject to the rules so prescribed.

(3) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Return of warrant on execution of sentence

400. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

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CHAPTER XXIX

The Code of Criminal Procedure, 1898.

OF SUSPENSIONS, REMISSIONS AND COMMUTATIONS OF SENTENCES

Power to suspend or remit sentences

401.(1) When any person has been sentenced to punishment for an offence, the Government may at any time without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

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(2) Whenever an application is made to the Government for the suspension or remission of a sentence, the Government, may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as exists.

(3) If any condition on which a sentence has been suspended or remitted is, in the opinion of the Government not fulfilled, the Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

(4) The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.

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(4A) The provision of the above sub-sections shall also apply to any order passed by a Criminal Court under any section of this Code or of any other law, which restricts the liberty of any person or impose any liability upon him or his property.

(5) Nothing herein contained shall be deemed to interfere with the right of the President [434][* * *] to grant pardons, reprieves, respites or remissions of punishment.

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(5A) Where a conditional pardon is granted by the President [435][* * *], any condition thereby imposed, of whatever nature, shall be deemed to have been imposed by a sentence of a competent Court under this Code and shall be enforceable accordingly.

(6) The Government may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with.

Power to commute punishment

402.(1) The Government may, without the consent of the person sentenced, commute any one of the following sentences for any other mentioned after it:-

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death, transportation, rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

(2) Nothing in this section shall affect the provisions of section 54 or section 55 of the Penal Code.

Sentences of death

[436][402A. The powers conferred by sections 401 and 402 upon the Government may, in the case of sentences of death, also be exercised by the President.]

CHAPTER XXX

OF PREVIOUS ACQUITTALS OR CONVICTIONS

Person once convicted or acquitted not to be tried for same offence

403.(1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 236, or for which he might have been convicted under section 237.

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(2) A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 235, sub-section (1).

(3) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

(4) A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

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(5) Nothing in this section shall affect the provisions of section 26 of the General Clauses Act, 1897, or section 188 of this Code.

Explanation- The dismissal of a complaint, the stopping of proceedings under section 249, [437][or the discharge of the accused] is not an acquittal for the purposes of this section.

Illustrations

(a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant or, upon the same facts, with theft simply, or with criminal breach of trust.

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(b) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(c) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(d) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

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(e) A is charged by a Magistrate of the first class with, and convicted by him of voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within paragraph 3 of the section.

(f) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for robbery on the same facts.

(g) A. B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for dacoity on the same facts.

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PART VII

OF APPEAL, REFERENCE AND REVISION

CHAPTER XXXI

OF APPEALS

Unless otherwise provided, no appeal to lie

The Code of Criminal Procedure, 1898.

404. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Appeal from order rejecting application for restoration of attached property

405. Any person whose application under section 89 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeal from order requiring security for keeping the peace or for good behaviour

406. Any person who has been ordered by a Magistrate under section 118 to give security for keeping the peace or for good behaviour may appeal against such order-

to the Court of Session:

[438][***]

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Provided, [439][***], that nothing in this section shall apply to persons the proceedings against whom are laid before a Sessions Judge in accordance with the provisions of sub-section (2) or sub-section (3A) of section 123.

Appeal from order refusing to accept or rejecting a surety

[440][406A. Any person aggrieved by an order refusing to accept or rejecting a surety under section 122 may appeal against such order,-

[441][(a) if made by the Chief Metropolitan Magistrate [442][or the Chief Judicial Magistrate] or a District Magistrate, to the Court of Session;

(b) if made by a Metropolitan Magistrate other than the Chief Metropolitan Magistrate, to the Chief Metropolitan Magistrate; or

(c) if made by any other Magistrate, [443][whether Executive or Judicial,] to the District Magistrate [444][***] [445][or the Chief Judicial Magistrate.]

Appeal from sentence of Magistrate of the second or third class

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The Code of Criminal Procedure, 1898.

[446][407. Any person convicted on a trial held by any Magistrate of the second or third class may appeal to the chief Judicial Magistrate who may himself hear and dispose of the appeal or transfer it to any Additional Chief Judicial Magistrate for disposal, and may withdraw an appeal so transferred.]

Appeal from sentence of Joint Sessions Judge and Magistrates of the first class

[447][408. Any person convicted on a trial held by a Joint Sessions Judge,Metropolitan Magistrate or any Judicial Magistrate of the first class, may appeal to the Sessions Judge:

Provided as Follws :

(a)When in any case a Joint Sessions Judge passes any sentence of imprisonment for a term exceeding five years, the appeal of all or any of the convicted persons shall lie to the High Court Division;

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(b)When any person is convicted by a Metropolitan Magistrate or Judicial Magistrate specially empowered to try an offence under section 124A of the Penal Code, the appeal shall lie to the High Court Division.]

Appeals to Court of Session how heard

409. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge:

Provided that an Additional Sessions Judge shall hear only such appeals as the Government may by general or special order, direct or as the Sessions Judge of the Division may make over to him.

Appeal from sentence of Court of Session

410. Any person convicted on a trial held by a Sessions Judge, or an Additional Sessions Judge, may appeal to the High Court Division.

Omitted

411. [Omitted by the Schedule of the Adaptation of Central Acts and Ordinance, 1949.]

Omitted

411A. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978.]

No appeal in certain cases when accused pleads guilty

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The Code of Criminal Procedure, 1898.

412. Notwithstanding anything hereinbefore contained where an accused person has pleaded guilty and has been convicted by [448][* * *] a Court of Session [449][or any Metropolitan Magistrate] or Magistrate of the first class on such plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in petty cases

413. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which [450][***] a Court of Session passes a sentence of imprisonment not exceeding one month only, or in which a Court of Session or [451][Chief Judicial Magistrate] [452][or Metropolitan Magistrate] or other Magistrate of the first class passes a sentence of fine not exceeding [453][five thousand taka] only.

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Explanation- There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has also been passed.

No appeal from certain summary convictions

414. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in any case tried summarily in which a Magistrate empowered to act under section 260 passes a sentence of fine not exceeding [454][five thousand taka] only.

Proviso to sections 413 and 414

415. An appeal may be brought against any sentence referred to in section 413 or section 414 by which any punishment therein mentioned is combined with any other punishment, but no sentence which would not otherwise be liable to appeal shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace.

Explanation- A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

Special right of appeal in certain cases

[455][415A. Notwithstanding anything contained in this Chapter, when more persons than one are convicted in one trial, and an appealable judgment or order has been passed in respect of any of such persons, all or any of the persons convicted at such trial shall have a right of appeal.]

Repealed

416. [Repealed by section 26 of the Criminal Law Amendment Act, 1923 (Act No. XII of 1923).]

Appeal in case of acquittal

[456][417. [457][(1) Subject to the provisions of sub-section (4), the Government may, in any case, direct the Public Prosecutor to present an appeal-

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(a) to the High Court Division from an original or appellate Order of acquittal passed by any Court of Session;

(b) to the Court of Session from an original or appellate Order of acquittal passed by any Magistrate.]

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[458][(2) Notwithstanding anything contained in section 418, if such an order is passed in any case instituted upon complaint, and if the order involves an error of law occasioning failure of justice, the complainant may present an appeal-

(a) to the High Court Division from an original order of acquittal passed by any Court of Session;

(b) to the Court of Session from an original order of acquittal passed by any Magistrate.]

(3) No appeal by the complaint from an order of acquittal shall be entertained by the High Court Division [459][or a Court of Session] after the expiry of sixty days from the date of the order of acquittal.

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(4) If, in any case, the admission of an appeal from an order of acquittal is refused, no appeal from that order of acquittal shall lie under sub-section (1).

Appeal against inadequacy of sentence

417A.(1) The Government may, in any case of conviction on a trial held by any court, direct the Public Prosecutor to present an appeal to the High Court Division against the sentence on the ground of its inadequacy.

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(2) A complainant may, in any case of conviction on a trial held by any Court, present an appeal to the Appellate Court against the sentence on the ground of its inadequacy:

Provided that no appeal under this sub-section shall be entertained by the Appellate Court after the expiry of sixty days from the date of conviction.

(3) When an appeal has been filed against the sentence on the ground of its inadequacy, the Appellate Court shall not enhance the sentence except after giving to the accused a reasonable

opportunity of showing cause against such enhancement and while showing cause, the accused may plead for his acquittal or for the reduction of the sentence.

Appeals on what matters admissible

418. An appeal may lie on a matter of fact as well as a matter of law.

Explanation-The alleged severity of a sentence shall, for the purposes of this section, be deemed to be a matter of law.]

Petition of appeal

419. Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against [460][* * *].

Procedure when appellant in jail

420. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Summary dismissal of appeal

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421.(1) On receiving the petition and copy under section 419 or section 420, the Appellate Court shall pursue the same, and, if it considers that there is no sufficient ground for interfering, it may dismiss the appeal summarily:

Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

(2) Before dismissing an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

Notice of appeal

422. If the Appellate Court does not dismiss the appeal summarily, it shall cause notice to be given to the appellant or his pleader, and to such officer as the Government may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal;

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and, in cases of appeals under [461][* * *] or section 417, the Appellate Court shall cause a like notice to be given to the accused.

Powers of Appellate Court in disposing of appeal

423.(1) The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, and, in case of Public Prosecutor, if he appears, and, in case of an appeal under [462][* * *] section 417, the accused, if he appears, the Court may, if it considers that there is no sufficient ground for interfering, dismiss the appeal, or may-

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(a) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retired or [463][sent] for trial, as the case may be, or find him guilty and pass sentence on him according to law ;

(b) in an appeal from a conviction, (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court or [464][sent] for trial, or (2) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce the sentence or, (3) with or without such reduction and with or without altering the finding, alter the nature of the sentence, but, subject to the provisions of section 106, sub-section (3), not so as to enhance the same;

[465][(bb) in an appeal for enhancement of sentence, (1) reverse the finding and sentence and acquit or discharge the accused or order him to be retired by a Court competent to try the offence, or (2) alter the finding maintaining the sentence, or (3) with or without altering the finding, alter the nature or the extent, or the nature and extent, or the sentence, so as to enhance or reduce the same;]

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(c) in an appeal from any other order, alter or reverse such order;

(d) make any amendment or any consequential or incidental order that may be just or proper [466][:

Provided that the sentence shall not be enhanced unless the accused has had an opportunity of showing cause against such enhancement:

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Provided further that the Appellate Court shall not inflict greater punishment for the offence which in its opinion the accused has committed than might have been inflicted for that offence by the Court passing the order or sentence under appeal.]

(2) [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

Judgments of subordinate Appellate Courts

424. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than High Court Division:

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Provided that, unless the Appellate Court otherwise directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

Order by High Court Division on appeal to be certified to lower Court

The Code of Criminal Procedure, 1898.

425. [467][(1) Whenever a case is decided on appeal by the High Court Division under this Chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed:

Provided that where the finding sentence or order was recorded or passed by a Magistrate other than the Chief Metropolitan Magistrate, or the Chief Judicial Magistrate, the certificate shall be sent through the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be.]

(2) The Court to which the High Court Division certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court Division; and, if necessary, the record shall be amended in accordance therewith.

Suspension of sentence pending appeal Release of appellant on bail

426.(1) Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail or on his own bond.

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(2) The power conferred by this section on an Appellate Court may be exercised also by the High Court Division in the case of any appeal by a convicted person to a Court subordinate thereto.

(2A) When any person [468][is sentenced to imprisonment for a term not exceeding one year] by a Court, and an appeal lies from that sentence, the Court may, if the convicted person satisfies the Court that he intends to present an appeal, order that he be released on bail for a period sufficient in the opinion of the Court to enable him to present the appeal and obtain the orders of the Appellate Court under sub-section (1) and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended.

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(2B) Where High Court Division is satisfied that a convicted person has been granted special leave to appeal to the [469][Appellate Division of the Supreme Court] against any sentence which it has imposed or maintained, it may if it so thinks fit order that pending the appeal the sentence or order appealed against be suspended, and also, if the said person is in confinement, that he be released on bail.

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(3) When the appellant is ultimately sentenced to imprisonment, or transportation, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

Arrest of accused in appeal from acquittal

427. When an appeal is presented under [470][section 417 or section 417A, the High Court Division or any other Appellate Court, as the case may be,] issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

Appellate Court may take further evidence or direct it to be taken

428.(1) In dealing with any appeal under this Chapter, the Appellate Court, if it thinks additional evidence to be necessary, shall record its reasons, and may either take such evidence itself, or

direct it to be taken by a Magistrate, or, when the Appellate Court is High Court Division, by a Court of Session or a Magistrate.

(2) When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

(3) Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken [471][* * *].

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(4) The taking of evidence under this section shall be subject to the provisions of Chapter XXV, as if it were an inquiry.

Procedure where Judges of Court of Appeal are equally divided

429. When the Judges composing the Court of Appeal are equally devided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such hearing (if any) as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Finality of orders on appeal

430. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 417 [472][, section 417A] and Chapter XXXII.

Abatement of appeals

431. Every appeal under [473][section 417 or section 417A] shall finally abate on the death of the accused, and every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant.

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CHAPTER XXXII

OF REFERENCE AND REVISION

& 433. Omitted

432 and 433. [Omitted by Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

Omitted

434. [Omitted by section 6 of the Criminal Procedure Amendment Act, 1943 (Act No. XXVI of 1943).]

Power to call for records of inferior Courts

435.(1) The High Court Division or any Sessions Judge, [474][***] may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court and may, when calling for such record, direct that the execution of any sentence be suspended and, if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record.

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Explanation-All Magistrates, [475][whether Executive or Judicial,] shall be deemed to be inferior to the Sessions Judge for the purposes of this sub-section [476][* * *].

[477][***]

(3) [Repealed by section 116 of the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923).]

[478][***]

Power to order inquiry

436. On examining any record under section 435 or otherwise, the High Court Division or the Sessions Judge may direct the [479][Chief Metropolitan Magistrate or [480][Chief Judicial Magistrate]] by himself or by any of the Magistrates subordinate to him to make, and the 3[481][Chief Metropolitan Magistrate or [482][Chief Judicial Magistrate]] may himself make, or direct any Sub-ordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 203 or sub-section (3) of section 204, or into the case of any person accused of an offence who has been discharged:

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Provided that no Court shall make any direction under this section for inquiry into the case of any person who has been discharged unless such person has had an opportunity of showing cause why such direction should not be made.

Omitted

437. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

Omitted

[483][***]

High Court Division's powers of revision

439.(1) In the case of any proceeding the record of which has been called for by itself or which has been reported for orders, or which otherwise comes to its knowledge, the High Court Division may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 423, 426, 427 and 428 or on a Court by section 338, and may enhance the sentence; and, when the Judges composing the Court of Revision are equally divided in opinion, the case shall be disposed of in manner provided by section 429.

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(2) No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

(3) Where the sentence dealt with under this section has been passed by a Magistrate [484][* * *], the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court, the accused has committed than might have been inflicted for such offence by [485][a Metropolitan Magistrate or] a Magistrate of the first class.

[486][(4) Nothing in this section shall be deemed to authorize the High Court Division to convert a finding of acquittal into one of conviction, or to entertain any proceedings in revision with respect to an order made by the Sessions Judge under section 439A].

(5) Where under this Code an appeal lies and no appeal is brought, no proceedings by way of revision shall be entertained at the instance of the party who could have appealed.

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(6) Notwithstanding anything contained in this section, any convicted person to whom an opportunity has been given under sub-section (2) of showing cause why his sentence should not be enhanced shall, in showing cause, be entitled also to show cause against his conviction.

Sessions Judge's powers of revision

[487][439A.(1) In the case of any proceeding the record of which has been called for by himself or which otherwise comes to his knowledge, the Sessions Judge may exercise all or any of the powers which may be exercised by the High Court Division under section 439.

(2) Where any application for revision is made by or on behalf of any person before the Sessions Judge, the decision of the Sessions Judge thereon in relation to such person shall be final.

(3) An Additional Sessions Judge shall have and may exercise all powers of a Sessions Judge under this Chapter in respect of any case which may be transferred to him under any general or special order of the Sessions Judge.]

Optional with Court to hear parties

440. No party has any right to be heard either personally or by pleader before any Court when exercising its powers of revision:

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Provided that the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader, and that nothing in this section shall be deemed to affect section 439, sub-section (2).

Omitted

441. [Omitted by Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

High Court Division's order to be certified to lower Court or Magistrate

442. When a case is revised under this Chapter by the High Court Division, it shall, in manner hereinbefore provided by section 425, certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified; and, if necessary, the record shall be amended in accordance therewith.

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The Code of Criminal Procedure, 1898.

[488]CHAPTER XXXIIA

TIME FOR DISPOSAL OF APPEAL AND REVISION

Time for disposal of appeals and Revision

442A.(1) An Appellate Court shall dispose of an appeal filed before it within [489][ninety days] from the date of [490][service of notice upon respondents].

(2) A Court having power of revision shall dispose of a proceeding in revision within [491][ninety days] from the date of [492][service of notice upon the parties].

[493][(3) In this section, in determining the time, only the working days shall be counted.]]

PART VIII

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The Code of Criminal Procedure, 1898.

SPECIAL PROCEEDINGS

CHAPTER XXXIII

(443-463) Omitted

[Omitted by the Schedule of the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950).]

CHAPTER XXXIV

LUNATICS

Procedure in case of accused being lunatic

464.(1) When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defense, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the district or such other medical officer as the Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

[494][(1A) Pending such examination and inquiry the Magistrate may deal with the accused in accordance with the provisions of section 466.]

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(2) If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall record a finding to that effect and shall postpone further proceedings in the case.

Procedure in case of person being lunatic before Court of Sessions

[495][465.(1) If at the trial of any person before a Court of Session, it appears to the Court that such person is of unsound mind and consequently incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness and incapacity, and if the Court is satisfied of the fact, it shall record a finding to that effect and shall postpone further proceedings in the case.

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(2) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.]

Release of lunatic pending investigation or trial

The Code of Criminal Procedure, 1898.

466.(1) Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, whether the case is one on which bail may be taken or not, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

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(2) If the case is one in which, in the opinion of the Magistrate or Court, bail should not be taken, or if sufficient security is not given, the Magistrate or Court, as the case may be, shall order the accused to be detained in safe custody in such place and manner as he or it may think fit, and shall report the action taken to the Government:

Custody of lunatic

Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the Government may have made under the Lunacy Act, 1912.

Resumption of inquiry or trial

467.(1) Whenever an inquiry or a trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

(2) When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Procedure on accused appearing before Magistrate or Court

468.(1) If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

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(2) If the Magistrate or Court considers the accused to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as

the case may be, and if the accused is found to be of unsound mind and incapable of making his defence, shall deal with such accused in accordance with the provisions of section 466.

When accused appears to have been insane

469. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate [496][or, as the case may be, the Court is satisfied from the evidence given before him or it] that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was, at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate [497][or, as the case may be, the Court shall proceed with the case].

Judgment of acquittal on ground of lunacy

470. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

Power of Government to relieve Inspector General of certain functions

(2) The Government may empower the officer in charge of the jail in which a person is confined under the provisions of section 466 or this section, to discharge all or any of the functions of the Inspector General of Prisons under section 473 or section 474.

Person acquitted on such ground to be detained in safe custody

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The Code of Criminal Procedure, 1898.

471.(1) Whenever the finding states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held, shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be detained in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the action taken to the Government:

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Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the Government may have made under the Lunacy Act, 1912.

Repealed

472. [Repealed by section 101 and Schedule II of the Lunacy Act, 1912 (Act No. IV of 1912).]

Procedure where lunatic prisoner is reported capable of making his defence

473. If such person is detained under the provisions of section 466, and in the case of a person detained in a jail, the Inspector General of Prisons, or, in the case of a person detained in a lunatic asylum, the visitors of such asylum or any two of them shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall

deal with such person under the provisions of section 468; and the certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic detained under section 466 or 471 is declared fit to be released.

474.(1) If such person is detained under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be released without danger of his doing injury to himself or to any other person, the Government may thereupon order him to be released or to be detained in custody, to be transferred to a public lunatic asylum if he has not been already sent to such an asylum; and, incase it orders him to be transferred to an asylum, may appoint a Commission, consisting of a judicial and two medical officers.

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(2) Such Commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Government, which may order his release or detention as it thinks fit.

Delivery of lunatic to care of relative or friend

475.(1) Whenever any relative or friend of any person detained under the provisions of section 466 or section 471 desires that he shall be delivered to his care and custody, the Government may, upon the application of such relative or friend and on his giving security to the satisfaction of [498][the Government] that the person delivered shall-

(a) be properly taken care of and prevented from doing injury to himself or to any other person, and

(b) be produced for the inspection of such officer, and at such times and places as the Government may direct, and

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(c) in the case of a person detained under section 466, be produced when required before such Magistrate or Court,

order such person to be delivered to such relative or friend.

(2) If the person so delivered is accused of any offence the trial of which has been postponed by reason of his being of unsound mind and incapable of making his defence, and the inspecting officer referred to in sub-section (1), clause (b), certifies at any time to the Magistrate or Court that such person is capable of making his defence, such Magistrate or Court shall call upon the relative or friend to whom such accused was delivered to produce him before the Magistrate or Court; and, upon such production, the Magistrate or Court shall proceed in accordance with the provisions of section 468, and the certificate of the inspecting officer shall be receivable as evidence.

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CHAPTER XXXV

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE

The Code of Criminal Procedure, 1898.

Procedure in cases mentioned in section 195.

[498][476.(1) When any Civil, Revenue or Criminal Court is, whether on application made to it in this behalf or otherwise, of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in section 195, sub-section (1), clause (b) or clause (c), which appears to have been committed in or in relation to a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary, record a finding to that effect and make a complaint thereof in writing signed by the presiding officer of the Court, and shall forward the same to a Magistrate of the first class having jurisdiction, and may take sufficient security for the appearance of the accused before such Magistrate or if the alleged offence is non-bailable may, if it thinks necessary so to do, send the accused in custody to such Magistrate, and may bind over any person to appear and give evidence before such Magistrate:

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Provided that, where the Court making the complaint is High Court Division, the complaint may be signed by such officer of the Court as the Court may appoint.

[500][For the purpose of this sub-section, a Metropolitan Magistrate shall be deemed to be a Magistrate of the first class.]

[501][(2) A Magistrate to whom a complaint is made under sub-section (1) or section 476A or section 476B shall, notwithstanding anything contained in Chapter XVI, proceed, as far as may be, to deal with the case as if it were instituted on a police report.]

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(3) Where it is brought to the notice of such Magistrate or of any other Magistrate to whom the case may have been transferred, that an appeal is pending against the decision arrived at in the

judicial proceeding out of which the matter has arisen, he may, if he thinks fit, at any stage adjourn the hearing of the case until such appeal is decided.

Superior Court may complain where subordinate Court has committed to do so

476A.The power conferred on Civil, Revenue and Criminal Courts by section 476, sub-section (1), may be exercised, in respect of any offence referred to therein and alleged to have been committed in or in relation to any proceeding in any such Court, by the Court to which such former Court is subordinate within the meaning of section 195, sub-section (3), in any case in which such former Court has neither made a complaint under section 476 in respect of such offence nor rejected an application for the making of such complaint; and, where the superior Court makes such complaint, the provisions of section 476 shall apply accordingly.

Appeals

476B. Any person on whose application any Civil, Revenue or Criminal Court has refused to make a complaint under section 476 or section 476A, or against whom such a complaint has been made, may appeal to the Court to which such former Court is subordinate within the meaning of section 195, sub-section (3), and the superior Court may thereupon, after notice to the parties concerned, direct the withdrawal of the complaint or, as the case may be, itself make the complaint which the subordinate Court might have made under section 476, and if its makes such complaint the provisions of that section shall apply accordingly.]

Repealed

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The Code of Criminal Procedure, 1898.

477. [Repealed by section 129 of the Code of Criminal Procedure (Amendment) Act, 1923 (XVIII of 1923).]

[Omitted] & 479. [Omitted]

478 and 479. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

Procedure in certain cases of contempt

480. When any such offence as is described in section 175, section 178, section 179, section 180 or section 228 or the Penal Code is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court may cause the offender to be detained in custody and at any time before the rising of the Court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not exceeding two hundred taka, and in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Record in such cases

481.(1) In every such case the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

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(2) If the offence is under section 228 of the Penal Code, the record shall show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult.

Procedure where Court considers that case should not be dealt with under section 480

482.(1) If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred taka should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or if sufficient security is not given, shall forward such person in custody to such Magistrate.

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(2) The Magistrate, to whom any case is forwarded under this section, shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

The Code of Criminal Procedure, 1898.

When Registrar or Sub-Registrar to be deemed a Civil Court within sections 480 and 482

483. When the Government so directs, any Registrar or any Sub-Registrar appointed under the [502][Registration Act, 1908] shall be deemed to be a Civil Court within the meaning of sections 480 and 482.

Discharge of offender on submission or apology

484. When any Court has under section 480 or section 482 adjudged an offender to punishment or forwarded him to a Magistrate for trial for refusing or omitting to do anything which he was lawfully required to do or for any international insult or interruption the Court may, in its discretion, discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Imprisonment or committal of person refusing to answer or produce document

485. If any witness or person called to produce a document or thing before a Criminal Court refuses to answer such questions as are put to him or to produce any document or thing in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an officer of the Court for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document or thing. In the event of his persisting in his refusal, he may be dealt with according to the provisions

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of section 480 or section 482, and in the case of High Court Division shall be deemed guilty of a contempt.

Summary procedure for punishment for non-attendance by a witness in obedience to summons

[503][485A.(1) If any witness being summoned to appear before a Criminal Court is legally bound to appear at a certain place and time in obedience to the summons and without just excuse neglects or refuses to attend at that place or time or departs from the place where he has to attend before the time at which it is lawful for him to depart, and the Court before which the witness is to appear is satisfied that it is expedient in the interests of justice that such a witness should be tried summarily, the Court, may take cognizance of the offence and after given the offender an opportunity of showing cause why he should not be punished under this section, sentence him to fine not exceeding Taka two hundred and fifty.

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(2) In every such case the Court shall follow, as nearly as may be practicable, the procedure prescribed for summary trials.]

Appeals from convictions in contempt cases

The Code of Criminal Procedure, 1898.

486.(1) Any person sentenced by any Court under section 480 or section 485 [504][or section 485A] may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

(2) The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeals under this section, and the appellate Court may alter or reverse the finding, or reduce or reverse the sentence appealed against.

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(3) An appeal from such conviction by a Court of Small Causes shall lie to the Court of Session for the sessions division within which such Court is situate.

(4) An appeal from such conviction by any officer as Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a decree by such officer in his capacity as such Judge, and in other cases may be made to the District Judge.

Certain Judges and Magistrates not to try offences referred to in section 195 when committed before themselves

487.(1) Except as provided in sections 480 [505][, 485 and 485A], no Judge of a Criminal Court or Magistrate, other than a Judge of [506][the Supreme Court] shall try any person for any offence referred to in section 195, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

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(2) [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

The Code of Criminal Procedure, 1898.

CHAPTER XXXVI

OF THE MAINTENANCE OF WIVES AND CHILDREN.

Omitted

[507][***]

CHAPTER XXXVII

DIRECTIONS OF THE NATURE OF A Habeas Corpus

Omitted

491A. [Omitted by Schedule of the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950).]

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Power to issue directions of the nature of a habeas corpus

491.(1) The High Court Division may, whenever it thinks fit, direct:-

(a) that a person within the limits of its appellate criminal jurisdiction be brought up before the Court to be dealt with according to law;

(b) that a person illegally or improperly detained in public or private custody with such limits be set at liberty;

(c) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

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(d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively;

(e) that a prisoner within such limits be removed from one custody to another for the purpose of trial ; and

[508][* * *]

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(2) The [509][Supreme Court] may, from time to time, frame rules to regulate the procedure in cases under this section.

[510][(3) Nothing in this section applies to persons detained under any law for the time being in force providing for preventive detention.]

PART IX

SUPPLEMENTARY PROVISIONS

CHAPTER XXXVIII

OF THE PUBLIC PROSECUTOR

Power to appoint Public Procecutors

492.(1) The Government may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

(2) [511][The [512][District Magistrate] may, in the absence or the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below such

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ranks as the Government may prescribe in this behalf to be Public Prosecutor for the purpose of any case.

Public Prosecutor may plead in all Court in cases under his charge Pleaders privately instructed to be under his direction

493. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal, and if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein, under his directions.

Effect of withdrawal from prosecution

494. Any Public Prosecutor may, with the consent of the Court, [513][* * *] before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of the offences for which he is tried; and upon such withdrawal,-

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(a) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences;

(b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted in respect of such offence or offences.

Permission to conduct prosecution

495.(1) Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of police below the rank to be prescribed by the Government in this behalf but no person, other than the [514][Attorney-General], Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the Government in this behalf, shall be entitled to do so without such permission.

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(2) Any such officer shall have the like power of withdrawing the prosecution as is provided by section 494, and the provisions of that section shall apply to any withdrawal by such officer.

(3) Any person conducting the prosecution may do so personally or by a pleader.

(4) An officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.

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CHAPTER XXXIX

OF BAIL

In what cases bail to be taken

496. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police-station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail: Provided that such officer or

Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided:

Provided, further, that nothing in this section shall be deemed to affect the provisions of section 107, sub-section (4), or section 117, sub-section (3).

Omitted

497A. [Omitted by section 2 the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).]

When bail may be taken in case of non-bailable offence

497.(1) When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police-station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or transportation for life:

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Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail.

(2) If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

(3) An officer or a Court releasing any person on bail under sub-section (1) or sub-section (2) shall record in writing his or its reasons for so doing.

(4) If, at any time after the conclusion of the trial of a person accused of a non-bailable offence and before judgment is delivered, the Court is of opinion that there are reasonable grounds for believing that the accused is not guilty of any such offence, it shall release the accused, if he is in custody on the execution by him of a bond without sureties for his appearance to hear judgment delivered.

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(5) The High Court Division or Court of Session and, in the case of a person released by itself, any other Court may cause any person who has been released under this section to be arrested and may commit him to custody.

Power to direct admission to bail or reduction of bail

498. [515][(1)] The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court Division or Court of Session may, in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a police-officer or Magistrate be reduced.

[516][(2) Any Court, while releasing the accused on bail, may impose reasonable and fair conditions to prevent his abscondence or to ensure his good behaviour.]

Bond of accused and sureties

499.(1) Before any person is released on bail or released on his own bond, a bond for such sum of money as the police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the police-officer or Court, as the case may be.

(2) If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court Division, Court of Session or other Court to answer the charge.

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[517][(3) The bond referred to in this section may be submitted to the Court by the accused in person, or through his pleader, or through online system, as permitted by the Court, subject to verification of the identity and eligibility of the sureties through their National Identification Number or any other appropriate means.]

Discharge from custody

500.(1) As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and, when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

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(2) Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

Power to order sufficient bail when that first taken is insufficient

501. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person

released on bail be brought before it and may order him to find sufficient sureties, and, on his failing so to do, may commit him to jail.

Discharge of sureties

502.(1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond, either wholly or so far as relates to the applicants.

(2) On such application being made, the Magistrate shall issue his warrant of arrest directing that the person so released be brought before him.

(3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

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CHAPTER XL

The Code of Criminal Procedure, 1898.

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES

When attendance of witness may be dispensed with Issue of commission and procedure thereunder

503.(1) Whenever in the course of an inquiry, a trial or any other proceeding under this Code, it appears to [518][a Metropolitan Magistrate], [519][a Chief Judicial Magistrate], a Court of Session or the High Court Division that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate, [520][Chief Metropolitan Magistrate or Chief Judicial Magistrate], within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

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(2) and (2A) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

(2B) When the witness resides in the United Kingdom or any other country of the Commonwealth other than Bangladesh, or in the Union of Burma, or any other country in which reciprocal arrangement in this behalf exists, the commission may be issued to such Court or Judge having authority in this behalf in that country as may be specified by the Government by notification in the official Gazette.

(3) The Magistrate or officer to whom the commission is issued, or if he is the [521][Chief Metropolitan Magistrate or the Chief Judicial Magistrate], he, or [522][any other Magistrate] as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

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(4) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Commission in case of witness being within [523][a] Metropolitan Area

[524][504.(1) If the witness is within the local limits of the jurisdiction of any Metropolitan Magistrate, the Magistrate or Court issuing the commission may direct the same to such Metropolitan

Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

(2) When a commission is issued under this section to the Chief Metropolitan Magistrate, he may delegate his powers and duties under the commission to any Metropolitan Magistrate subordinate to him.]

Parties may examine witnesses

505.(1) The parties to any proceeding under this Code in which a commission is issued, may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue and when the commission is directed to a Magistrate or officer mentioned in section 503, such Magistrate or the Officer to whom the duty of executing such commission has been delegated shall examine the witness upon such interrogatories.

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(2) Any such party may appear before such Magistrate or officer by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Power of Subordinate Magistrate to apply for issue of commission

506. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a [525][[526][Chief Metropolitan Magistrate or Chief Judicial Magistrate], it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, [527][such Magistrate shall apply to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate, to whom he is subordinate], stating the reasons for the application; [528][and the Chief Judicial Magistrate or the Chief Metropolitan Magistrate] may either issue a commission in the manner hereinbefore provided or reject the application.

Return of commission

507.(1) After any commission issued under section 503 or section 506 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

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(2) Any deposition so taken, if it satisfies the conditions prescribed by section 33 of the Evidence Act, 1872, may also be received in evidence at any subsequent stage of the case before another Court.

Adjournment of inquiry or trial

508. In every case in which a commission is issued under section 503 or section 506, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

Application of this Chapter to Commissions issued in Burma

[529][508A. The provisions of sub-section (3) of section 503, [530][section 504] and so much of sections 505 and 507 as relates to the execution of a commission and its return by the Magistrate or officer to whom the commission is directed shall apply in respect of commissions issued by any Court or Judge having authority in this behalf in the United Kingdom or in any other country of the commonwealth other than Bangladesh or in the Union of Burma or any other country in which reciprocal arrangement in this behalf exists under the law in force in that country relating to commissions for the examination of witnesses, as they apply to commissions issued under section 503 or section 506.]

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CHAPTER XLI

SPECIAL RULES OF EVIDENCE

Deposition of medical witness

509.(1) The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, or taken on commission under Chapter XL, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to summon medical witness

(2) The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Report of post-mortem examination

[531][509A. Where in any inquiry, trial or other proceeding under this Code the report of a post-mortem examination is required to be used as evidence, and the Civil Surgeon or other medical officer who made the report is dead or is incapable of giving evidence or is beyond the limits of Bangladesh and his attendance cannot be procured without an amount of delay, expense or

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inconvenience which, under the circumstances of the case, would be unreasonable, such report may be used as evidence.]

Report of Chemical Examiner, serologist, etc.

[532][510. Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government or any serologist, handwriting expert, finger print expert or fire-arm expert appointed by the Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may, without calling him as a witness, be used as evidence in any inquiry, trial or other proceeding under this Code.]

Evidence of formal character on Affidavit

[533][510A.(1) The evidence of any person whose evidence is of a formal character may be given by affidavit and may, subject to all just exceptions, be read in evidence in any inquiry, trial or other proceeding under this Code.

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(2) The Court may, if it thinks fit, and shall, on the application of the prosecution or the accused, summon and examine any such person as to the facts contained in his affidavit.]

The Code of Criminal Procedure, 1898.

Previous conviction or acquittal how proved

511. In any inquiry, trial or other proceeding under this Code, a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force-

(a) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(b) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered;

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together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

Record of evidence in absence of accused

512.(1) If it is proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try [534][* * *] such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may [535][* * *] be given in evidence against him on the inquiry into, or trial for, the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

Record of evidence when offender unknown

(2) If it appears that an offence punishable with death or transportation has been committed by some person or persons unknown, the High Court Division may direct that any Magistrate of the first class shall hold an inquiry and examine any witnesses who can give evidence concerning the offence. Any depositions so taken may be given in evidence against any person who is subsequently accused of the offence, if the deponent is dead or incapable of giving evidence or beyond the limits of Bangladesh.

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The Code of Criminal Procedure, 1898.

CHAPTER XLII

PROVISIONS AS TO BONDS

Deposit instead of recognizance

513. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix, in lieu of executing such bond.

Procedure on forfeiture of bond

514.(1) Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of a [536][Metropolitan Magistrate or] Magistrate of the first class,

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or, when the bond is for appearance before a Court, to the satisfaction of such Court, that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the movable property belonging to such person or his estate if he be dead.

(3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the attachment and sale of any movable property belonging to such person without such limits, when endorsed by the District Magistrate [537][***] within the local limits of whose jurisdiction such property is found.

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(4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(5) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond.

(7) When any person who has furnished security under section 106 or section 118 [538][***] is convicted of an offence the commission of which constitutes a breach of the conditions of his bond, or of a bond executed in lieu of his bond under section 514B, a certified copy of the judgment of the Court by which he was convicted of such offence may be used as evidence in proceedings under this section against his surety or sureties, and, if such certified copy is so used, the Court shall presume that such offence was committed by him unless the contrary is proved.

Procedure in case of insolvency or death of surety or when a bond is forfeited

[539][514A. When any surety to a bond under this Code becomes insolvent or dies, or when any bond is forfeited under the provisions of section 514, the Court by whose order such bond was taken, or a [540][Metropolitan Magistrate or] Magistrate of the first class, may order the person form whom such security was demanded to furnish fresh security in accordance with the directions of the original order, and, if such security is not furnished, such Court or Magistrate may proceed as if there had been a default in complying with such original order.

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Bond required from a minor

514B. When the person required by any Court or officer to execute a bond is a minor, such Court or officer may accept, in lieu thereof, a bond executed by a surety or sureties only.]

Appeal from, and revision of, orders under section 514

[541][515. All orders passed under section 514, by any Magistrate whether Executive or Judicial or Metropolitan Magistrate shall be appealable to the District Magistrate, Sessions Judge or the Metropolitan Sessions Judge respectively and where no such appeal is made, the order may be revised-

(a) by the Judicial Metropolitan Magistrate, if the order is passed by a Judicial Magistrate other than the Chief Judicial Magistrate;

(b) by the Chief Metropolitan Magistrate if the order is passed by a Metropolitan Magistrate other than the Chief Judicial Magistrate; and

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(c) by the District Magistrate, if the order is passed by an Executive Magistrate other than the District Magistrate.]

Power to direct levy of amount due on certain recognizances

516. The High Court Division or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court Division or Court of Session.

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CHAPTER XLIII

OF THE DISPOSAL OF PROPERTY

Order for custody and disposal of property pending trial in certain cases

[542][516A. When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.]

Order for disposal of property regarding which offence committed

The Code of Criminal Procedure, 1898.

517.(1) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal by destruction, confiscation, or delivery to any person claiming to be entitled to possession thereof or otherwise of any property or document produced before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

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(2) When High Court Division or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the [343][Chief Metropolitan Magistrate or] District Magistrate.

(3) When an order is made under this section such order shall not, except where the property is livestock or subject to speedy and natural decay, and save as provided by sub-section (4), be carried out for one month, or, when an appeal is presented, until such appeal has been disposed of.

(4) Nothing in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (1) to any person claiming to be entitled to the possession thereof, on his executing a bond with or without sureties to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal.

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Explanation- In this section the term "property" includes in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Order may take form of reference to District [544][***] Magistrate.

The Code of Criminal Procedure, 1898.

518. In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the [545][District Magistrate], who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Payment to innocent purchaser of money found on accused

519. When any person is convicted of any offence which includes, or amounts to theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Stay of order under sections 517, 518 or 519

520. Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court, and may modify, alter or annul such order and make any further orders that may be just.

Destruction of libelous and other matter

521.(1) On a conviction under the Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the thing in respect of which the

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conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

(2) The Court may, in like manner, on a conviction under the Penal Code, section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

Power to restore possession of immovable property

522.(1) Whenever a person is convicted of an offence attended by criminal force or show of force or by criminal intimidation and it appears to the Court that by such force or show of force or by criminal intimidation any person has been dispossessed of any immovable property, the Court may, if it thinks fit, when convicting such person or at any time within one month from the date of the conviction order the person dispossessed to be restored to the possession of the same.

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(2) No such order shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

(3) An order under this section may be made by any Court of appeal, confirmation, reference or revision.

Procedure by police upon seizure of property taken under section 51 or stolen

523.(1) The seizure by any police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

Procedure where owner of property seized unknown

(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it and shall, in such case, issue a Proclamation specifying the articles of which such

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property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within [546][one month] from the date of such proclamation.

Procedure where no claimant appears within six months

524.(1) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the [547][Chief Metropolitan Magistrate, Chief Judicial Magistrate], or of a Magistrate of the first class empowered by the Government in this behalf.

(2) In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

Power to sell perishable property

525. If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, or that the value of such property is less than ten taka the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the net proceeds of such sale.

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The Code of Criminal Procedure, 1898.

CHAPTER XLIV

OF THE TRANSFER OF CRIMINAL CASES

Power of Appellate Division to transfer cases and appeals

[548][525A.(1) The Appellate Division may direct the transfer of any particular case or appeal from one permanent Bench of the High Court Division to another permanent Bench of the High Court Division, or from any Criminal Court within the jurisdiction of one permanent Bench of the High Court Division to any other Criminal Court of equal or superior jurisdiction within the jurisdiction of another permanent Bench of the High Court Division, whenever it appears to it that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

(2) The permanent Bench of the High Court Division or the Court, as the case may be, to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Bench or Court, as the case may be.]

High Court Division may transfer case or itself try it

526.(1) Whenever it is made to appear to the High Court Division-

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(a) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(b) that some question of law of unusual difficulty is likely to arise, or

(c) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

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(d) that an order under this section will tend to the general convenience of the parties or witnesses, or

(e) that such an order is expedient for the ends of justice, or is required by any provision of this Code; it may order-

(i) that any offence be inquired into or tried by any Court not empowered under sections 177 to [549][183] (both inclusive), but in other respects competent to inquire into or try such offence;

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(ii) that any particular case or appeal, or class of cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;

(iii) that any particular case or appeal be transferred to and tried before itself; or

(iv) that an accused person be [550][sent] for trial to itself or to a Court of Session.

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(2) When the High Court Division withdraws for trial before itself any case from any Court it shall [551][* * *] observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

(3) The High Court Division may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative [552][:

Provided that no application shall lie to the High Court Division for transferring a case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.].

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(4) Every application for the exercise of the power conferred by this section shall be made by motion, which shall, except when the applicant is the [553][Attorney-General], be supported by affidavit or affirmation.

(5) When an accused person makes an application under this section, the High Court Division may direct him to execute a bond, with or without sureties, conditioned that he will, if so ordered, pay any amount which the High Court Division may under this section award by way of compensation to the person opposing the application.

Notice to Public Prosecutor of application under this section

(6) Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

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(6A) Where any application for the exercise of the power conferred by this section is dismissed, the High Court Division may if it is of opinion that the application was frivolous or vexatious,

order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding [554][one thousand taka] as it may consider proper in the circumstances of the case.

(7) Nothing in this section shall be deemed to affect any order made under section 197.

Adjournment on application under this section

(8) If in any inquiry under Chapter VIII [555][* * *] or any trial, any party interested intimates to the Court at any stage before the defence closes its case that he intends to make an application under this section, the Court shall, upon his executing, if so required, a bond without sureties, of an amount not exceeding two hundred taka, that he will make such application within a reasonable time to be fixed by the Court, adjourn the case for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon:

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Provided that nothing herein contained shall require the Court to adjourn the case upon a second or subsequent intimation from the same party, or, where an adjournment under this sub-section has already been obtained by one of several accused, upon a subsequent intimation by any other accused.

(9) Notwithstanding anything hereinbefore contained, a Judge presiding in a Court of Session shall not be required to adjourn a trial under sub-section (8) if he is of opinion that the person notifying his intention of making an application under this section has had a reasonable opportunity of making such an application and has failed without sufficient cause to take advantage of it.

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Explanation-Nothing contained in sub-section (8) or sub-section (9) restricts the powers of a Court under section 344.

(10) If, before the argument (if any) for the admission of an appeal begins, or, in the case of an appeal admitted, before the argument for the appellant begins, any party interested intimates to the Court that he intends to make an application under this section, the Court shall, upon such party executing, if so required, a bond without sureties of an amount not exceeding two hundred taka that he will make such application within a reasonable time to be fixed by the Court, postpone the appeal for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon.

Omitted

526A. [Omitted by section 2 of the Code of Criminal Procedure (Amendment) Ordinance, 1969 (Ordinance No. XX of 1969).]

Power of Sessions Judge to transfer cases

[556][526B.(1) Whenever it is made to appear to a Sessions Judge that an order under this section is expedient for the ends of justice, he may order that any particular case be transferred from one Criminal Court to another Criminal Court in his sessions division.

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(2) The Sessions Judge may act either on the report of the lower Court, or on the Application of a party interested, or on his own initiative.

(3) The provisions of sub-sections (4) to (10) (both inclusive) of section 526 shall apply in relation to an application to the Sessions Judge for an order under sub-section (1) as they apply in relation to an application to the High Court Division for an order sub-section (1) of section 526.]

Omitted

527. [Omitted by the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and 2nd Schedule.]

Sessions Judge may withdraw cases from Assistant Sessions Judge.

528.(1) Any Sessions Judge may withdraw any case from, or recall any case which he has made over to, any [557][Joint] Sessions Judge subordinate to him.

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(1A) At any time before the trial of the case or the hearing of the appeal has commenced before the Additional Sessions Judge, any Sessions Judge may recall any case or appeal which he has made over to any Additional Sessions Judge.

(1B) Where a Sessions Judge withdraws or recalls a case under sub-section (1) or recalls a case or appeal under sub-section (IA), he may either try the case in his own Court or hear the appeal himself, or make it over in accordance with the provisions of this Code to another Court for trial or hearing, as the case may be.

(2) [The Chief Metropolitan Magistrate or [558][Chief Judicial Magistrate or District Magistrate] may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

(3) The Government [559][with the approval of the High Court Division] may authorize the [560][Chief Metropolitan Magistrate or the Chief Judicial Magistrate] to withdraw from any Magistrate subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

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(4) Any Magistrate may recall any case made over by him under section 192, sub-section (2), to any other Magistrate and may inquire into or try such case himself.

(5) A Magistrate making an order under this section shall record in writing his reasons for making the same.

CHAPTER XLIVA.–*[Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950), Schedule.]*

CHAPTER XLV

OF IRREGULAR PROCEEDINGS

Irregularities which do not vitiate proceedings

529. If any Magistrate not empowered by law to do any of the following things, namely:–

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(a) to issue a search-warrant under section 98;

(b) to order, under section 155, the police to investigate an offence;

(c) to hold an inquest under section 176;

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(d) to issue process, under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;

(e) to take cognizance of an offence under section 190, sub-section (1), clause (a), or clause (b);

(f) to transfer a case under section 192;

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(g) to tender a pardon under section 337 or section 338;

(h) to sell property under section 524 or section 525; or

(i) to withdraw a case and try it himself under section 528;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

Irregularities which vitiate proceedings

530. If any Magistrate, not being empowered by law in this behalf, does any of the following thins, namely:–

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(a) attaches and sells property under section 88;

(b) issues a search-warrant for a letter, parcel or other thing in the Post Office, or a telegram in the Telegraph Department;

(c) demands security to keep the peace;

(d) demands security for good behaviour;

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(e) discharges a person lawfully bound to be of good behaviour;

(f) cancels a bond to keep the peace;

(g) makes an order under section 133 as to a local nuisance;

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(h) prohibits, under section 143, the repetition or continuance of a public nuisance;

(i) issues an order under section 144;

(j) makes an order under Chapter XII;

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(k) takes cognizance, under section 190, sub-section (1) clause (c), of an offence;

(l) passes a sentence, under section 349, on proceedings recorded by another Magistrate;

(m) calls, under section 435, for proceedings;

(n) makes an order for maintenance;

(o) revises, under section 515, an order passed under section 514;

(p) tries an offender;

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(q) tries an offender summarily; or

(r) decides an appeal;

his proceedings shall be void.

Proceedings in wrong place

531. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed, took place in a wrong sessions division, district, [561][***] or other local area, unless it appears that such error has in fact occasioned a failure of justice.

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Omitted

532. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

Non-compliance with provisions of section 164 or 364

533.(1) If any Court, before which a confession or other statement of an accused person recorded or purporting to be recorded under section 164 or section 364 is tendered or has been received in evidence, finds that any of the provisions of either of such sections have not been complied with by the Magistrate recording the statement, it shall take evidence that such person duly make the statement recorded; and, notwithstanding anything contained in the Evidence Act, 1872, section 91, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

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(2) The provisions of this section apply to Courts of Appeal, Reference and Revision.

Omitted

534. [Omitted by Schedule of the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950).]

Effect of omission to prepare charge

The Code of Criminal Procedure, 1898.

535.(1) No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has in fact been occasioned thereby.

(2) If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

Omitted

536. [Omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).]

Finding or sentence when reversible by reason of error or omission in charge or other proceedings

537. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account–

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(a) of any error, omission or irregularity in the complaint, summons, warrant, charge, proclamation, order, judgment or other proceedings before or during trial or in any inquiry or other proceedings under this Code, or

[562][* * *]

[563][* * *]

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Explanation–In determining whether any error, omission or irregularity in any proceeding under this Code has occasioned a failure of justice, the Court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.

Attachment not illegal, person making same not trespasser for defect or want of form in proceedings

538. No. attachment made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of attachment or other proceedings relating thereto.

CHAPTER XLVI

MISCELLANEOUS

Courts and persons before whom affidavits may be sworn

539. Affidavits and affirmations to be used before High Court Division or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the State or any Commissioner or other person appointed by such Court for that purpose, or any Judge, or any Commissioner for taking affidavits in any Court of Record in Bangladesh [564][* * *].

Affidavit in proof of conduct of public servant

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The Code of Criminal Procedure, 1898.

[565][539A.(1) When any application is made to any Court in the course of any inquiry, trial or other proceeding under this Code, and allegations are made therein respecting any public servant, the applicant may give evidence of the facts alleged in the application by affidavit, and the Court may, if it thinks fit, order that evidence relating to such facts be so given.

An affidavit to be used before any Court other than High Court Division under this section may be sworn or affirmed in the manner prescribed in section 539, or before any Magistrate.

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Affidavits under this section shall be confined to, and shall state separately, such facts as the deponent is able to prove from his own knowledge and such facts as he has reasonable ground to believe to be true, and, in the latter case, the deponent shall clearly state the grounds of such belief.

(2) The Court may order any scandalous and irrelevant matter in an affidavit to be struck out or amended.

Local inspection

539B.(1) Any Judge or Magistrate may at any stage of any inquiry, trial or other proceeding, after due notice to the parties, visit and inspect any place in which an offence is alleged to have been committed, or any other place which it is in his opinion necessary to view for the purpose of property appreciating the evidence given at such inquiry or trial, and shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection.

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(2) Such memorandum shall form part of the record of the case. If the Public Prosecutor, complainant or accused so desires, a copy of the memorandum shall be furnished to him free of cost:

The Code of Criminal Procedure, 1898.

[566][* * *]]

Power to summon material witness or examine person present

540. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Provision for inquiries and trial being held in the absence of accused in certain cases

540A.(1) At any stage of an inquiry or trial under this Code, [567][***] if the Judge or Magistrate is satisfied, for reasons to be recorded, that any one or more of [568][the] accused is or are incapable of remaining before the Court, he may, if such accused is represented by [569][an advocate], dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.

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(2) If the accused in any such case is not represented by [570][an advocate], or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit, and for reasons to be recorded by him, either adjourn such inquiry or trial, or order that the case of such accused be taken up or tried separately.

[571][(3) At the stage of investigation under this Code, the Judge or Magistrate may, for reasons to be recorded in writing, dispense with the personal attendance of an accused person who is on bail and represented by an advocate, until the date fixed for hearing of the investigation report.]

Power to appoint place of imprisonment

541.(1) Unless when otherwise provided by any law for the time being in force, the Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail

(2) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

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(3) When a person is removed to a criminal jail under sub-section (2), he shall, on being released therefrom, be sent back to the civil jail, unless either–

(a) three years have lapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under [572][section 58] of the [573][Code of Civil Procedure, 1908]; or

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(b) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under [574][section 58] of the [575][Code of Civil Procedure, 1908].

Repealed

The Code of Criminal Procedure, 1898.

542. [Repealed by section 3 and II Schedule of the Federal Laws (Revision and Declaration) Act. 1951 (XXVI of 1951).]

Interpreter to be bound to interpret truthfully

543. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

[576]**[Expenses and protection of complainants, witnesses and victims]**

544. [577][(1)] Subject to any [578][order] made by the Government, any Criminal Court may, if it thinks fit, order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

[579][(2) Any Court may, on the application of any aggrieved person or on its own motion, at any stage of a criminal proceeding, pass such order or take such steps as may be necessary for the protection or security of any informant, complainant, victim or witness.]

Power of Court to pay expenses or compensation out of fine

545.(1) Wherever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied–

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(a) in defraying expossess properly incurred in the prosecution;

(b) in the payment to any person of compensation for any loss or injury caused by the offence, when substantial compensation is, in the opinion of the Court, recoverable by such person in a Civil Court;

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(c) when any person is convicted of any offence which includes theft, criminal misappropriation, criminal breach of trust, or cheating, or of having dishonestly received or retained, or of having voluntarily assisted in disposing of, stolen property knowing or having reason to believe the same

to be stolen, in compensating any bona fide purchaser, of such property for the loss of the same if such property is restored to the possession of the person entitled thereto.

(2) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

Payments to be taken into account in subsequent suit

546. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 545.

Order of payment of certain fees paid by complainant in non-cognizable cases

[580][546A.(1) Whenever any complaint of a non-cognizable offence is made to a Court, the Court, if it convicts the accused, may in addition to the penalty imposed upon him, order him to pay to the complainant–

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(a) the fee (if any) paid on the petition of compliant or for the examination of the complainant, and

(b) any fees paid by the complainant for serving processes on his witnesses or on the accused,

and may further order that, in default of payment, the accused shall suffer simple imprisonment for a period not exceeding thirty days.

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(2) An order under this section may also be made by an Appellate Court, or by the High Court Division, when exercising its powers of revision.]

Moneys ordered to be paid recoverable as fines

547. Any money (other than a fine) payable by virtue of any order made under this code, and the method of recovery of which is not otherwise expressly provided for shall be recoverable as if it were a fine.

Copies of proceedings

548. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of [581][* * *] any order or deposition or other part of the record be shall, on applying for such copy, be furnished therewith:

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Provided that he pays for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

Apprehension of such persons

(2) Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of soldiers, sailors or airman stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

Delivery to military authorities of persons liable to the tried by Court-martial

The Code of Criminal Procedure, 1898.

549.(1) The Government may make rules consistent with this Code and the Army Act, 1952 (XXXIX of 1952), the Air Force Act, 1953 (VI of 1953), and the Navy Ordinance, 1961 (XXXV of 1961), and any similar law for the time being in force as to the cases in which persons subject to military, naval or air force law, shall be tried by a Court to which the Code applies, or by Court martial, and when any person is brought before a Magistrate and charged with an offence for which he is liable to be tried either by a Court to which this Code applies or by a Court-martial such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps, ship or detachment, to which he belongs, or to the commanding officer of the nearest military, naval or air-force station, as the case may be, for the purpose of being tried by Court-martial.

Powers to police to seize property suspected to be stolen

550. Any police-officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence. Such police-officer, if subordinate to the officer in charge of a police-station, shall forthwith report the seizure to that officer.

Power of superior officers of police

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The Code of Criminal Procedure, 1898.

551. Police -officers superior in rank to an officer in charge of a police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

Power to compel restoration of abducted females

552. Upon complaint made to a [582][Metropolitan Magistrate [583][or a Magistrate of the first class] or] District Magistrate on oath of the abduction or unlawful detention of woman, or of a female child under the age of sixteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

Repealed

553. [Repealed by section 3 and II Schedule of the Federal Laws (Revision and declaration) Act, 1951 (Act No. XXVI of 1951).]

Power of chartered High Court Division to make rules for inspection of records of subordinate Courts

554.(1) With the previous sanction of the [584][Government, the Supreme Court] may, from time to time, make rules for the inspection of the records of subordinate Courts.

Power of other High Court Division to make rules for other purposes

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(2) [585][The Supreme Court] may, from time to time, and with the previous sanction of the Government–

(a) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(b) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;

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(c) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and

(d) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

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(3) All rules made under this section shall be published in the official Gazette.

Forms

The Code of Criminal Procedure, 1898.

555. Subject to the power conferred by section 554, and by [586][article 107 of the Constitution of the People's Republic of Bangladesh], the forms set forth in the fifth schedule, with such variation as the circumstances of each case require, may be used for the respective purposes therein mentioned, and if used shall be sufficient.

Case in which Judge or Magistrate is personally interested

556. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try [587][* * *] for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or make himself.

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Explanation–A Judge or Magistrate shall not be deemed a party, or personally interested, within the meaning of this section, to or in any case by reason only that he is a Municipal Commissioner or otherwise concerned therein in a public capacity, or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

Illustration

A, as Collector, upon consideration of information furnished to him, directs the prosecution of B or a breach of the excise Laws. A is disqualified from trying this case as a Magistrate.

Practicing pleader not to sit as Magistrate in certain Courts

557. No pleader who practices in the Court of any Magistrate in a district, shall sit as a Magistrate in such Court or in any Court within the jurisdiction of such Court.

Power to decide language of Courts

558. The Government may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by [588][it].

Provision for powers of Judges and Magistrates being exercised by their successors in office

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The Code of Criminal Procedure, 1898.

559.(1) Subject to the other provisions of this Code, the powers and duties of a Judge or Magistrate may be exercised or performed by his successor in office.

(2) When there is any doubt as to who is the successor in office of any Magistrate, [589][the Chief Metropolitan Magistrate or, [590][the Chief Judicial Magistrate or the District Magistrate], the District Magistrate] shall determine by order in writing the Magistrate who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Magistrate.

(3) When there is any doubt as to who is the successor in office of any Additional or Assistant Sessions Judge, the Sessions Judge shall determine by order in writing the Judge who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Additional or Assistant Sessions Judge.

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Officers concerned in sales not to purchase or bid for property

560. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.

Saving of inherent power of High Court Division

[591][561A. Nothing in this Code shall be deemed to limit or affect the inherent power of the High Court Division to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.]

Special provisions with respect to offence of rape by a husband

561.(1) Notwithstanding anything in this Code, no Magistrate [592][except the Chief Metropolitan Magistrate or a] [593][Chief Judicial Magistrate] shall–

(a) take cognizance of the offence of rape where the sexual intercourse was by a man with is wife, or

(b) [594][send] the man for trial for the offence.

(2) And, notwithstanding anything in this Code, [595][if the Chief Metropolitan Magistrate or a] [596][Chief Judicial Magistrate] deems it necessary to direct an investigation by a police-officer,

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with respect to such an offence as is referred to in sub-section (1), no police-officer of a rank below that of police-inspector shall be employed either to make, or to take part in, the investigation.

First Offenders

Repealed

562. [Repealed by section 16 of the Probation of Offenders Ordinance, 1960 (Ordinance No. XLV of 1960).]

Repealed

563. [Repealed by section 16 of the Probation of Offenders Ordinance, 1960 (Ordinance No. XLV of 1960).]

Repealed

564. [Repealed by section 16 of the Probation of Offenders Ordinance, 1960 (Ordinance No. XLV of 1960).]

Previously convicted offenders

Order for notifying address of previously convicted offender

565.(1) When any person having been convicted–

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(a) by a Court in Bangladesh of an offence punishable under section 215, section 489A, section 489B, section 489C, or section 489D of the Penal Code, or of any offence punishable under Chapter XII or Chapter XVII of that Code, with imprisonment of either description for a term of three years or upwards, or

[597][* * *],

is again convicted of any offence punishable under any of those sections or Chapters with imprisonment for a term of three years or upwards by the High Court Division, Court of Session, [598][Metropolitan Magistrate], [599][***] or Magistrate of the first class, such Court or Magistrate may, if it or he thinks fit, at the time of passing sentence of transportation or imprisonment on such person, also order that his residence and any change of or absence from such residence after release be notified as herein after provided for a term not exceeding five years from the date of the expiration of such sentence.

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(2) If such conviction is set aside on appeal or otherwise, such order shall become void.

(3) The Government may make rules to carry out the provisions of this section relating to the notification of residence or change of or absence from residence by released convicts.

(4) An order under this section may also be made by an Appellate Court or by the High Court Division when exercising its powers of revision.

(5) Any person charged with a breach of any such rule may be tried by a Magistrate of competent jurisdiction in the district in which the place last notified by him as his place of residence is situated.

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- [1]

The words "or local" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

The Code of Criminal Procedure, 1898.

- [2]

  The words and commas “the expression “Magistrate of a division of a district” shall be deemed to mean “sub-divisional Magistrate” were omitted by section 2 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [3]

  The words and commas “and the expression “Joint Sessions Judge” shall mean “Additional Sessions Judge” were omitted by section 2 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [4]

  Clauses (a) and (aa) were substituted, for clause (a) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [5]

  Clause (hh) was inserted by section 2 of the Code of Criminal Procedure (Amendment) Act, 2000 (Act No. XLI of 2000)

- [6]

  Clause (j) was substituted, for the former clause (j) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [7]

  The words "and any person conducting a prosecution on behalf of the State in any High Court in the exercise of its original criminal jurisdiction" were omitted by section 3 and 2nd Schedule of Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [8]

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Clause (u) was substituted by section 3 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 9

Section 4A was inserted by section 4 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 10

Section 6 was substituted by section 5 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 11

Sub-section (4) was added by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 12

The letter "A" was substituted, for the words "the Dacca" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 13

Section 8 was substituted by section 6 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 14

he semicolon and words "; and the Court of Session for the Dhaka Metropolitan Area shall be called the Metropolitan Court of Session" were added by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 15

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The letter "a" was substituted, for the words "the Dacca" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 16

The proviso was omitted by section 7 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 17

Sub-section (3A) was inserted by section 7 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 18

Section 10 was substituted by section 8 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 19

Section 11 was substituted by 8 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 20

Sub-section (2A) was inserted after the sub-section (2) by section 2 of the Code of Criminal Procedure, (Amendment) Act, 2012 (Act No. XXXVII of 2012).

- 21

Section 12 was substituted by 8 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 22

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The Code of Criminal Procedure, 1898.

The words "outside the Dacca Metropolitan Area" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment)) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 23

The letter "a" was substituted, for the words "the Dacca" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 24

The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 9 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 25

Sections 17 was substituted by section 10 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 26

Sections 17A was substituted by section 10 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 27

Sub-section (1) was substituted for the sub-section (1) by section 11 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 28

Sub-section (3) was omitted by section 11 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 29

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The Code of Criminal Procedure, 1898.

The letter "a" was substituted, for the words "the Dacca" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 30

The words and comma "conferred on him or on a Metropolitan Magistrate under this Code, or under any law for the time being in force" were substituted, for the words "conferred on him by this Code" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 31

The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 12 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 32

Sub-section (2) was omitted by section 12 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 33

The words "The Government" were substituted, for the words and commas "A Provincial Government, so far as regards the territories subject to it, administration," by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 34

The words "Supreme Court" were substituted, for the words "High Courts" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 35

The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 13 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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The Code of Criminal Procedure, 1898.

- [36]

  The words "their respective jurisdictions" were substituted, for the words "and for the whole of the territories administered by the Provincial Government under which they are serving" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [37]

  The words "tried by" were substituted, for the words "committed to" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [38]

  The words "by the High Court or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [39]

  Section 29B was inserted by section 6 of the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- [40]

  The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 14 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [41]

  The words "or the Chief Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- [42]

  The words "or under any law" were substituted, for the words and comma "section 8, sub-section (1), of the Reformatory Schools Act, 1897, or, in any area in which the said Act has been wholly or in part repealed by any other law" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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The Code of Criminal Procedure, 1898.

- [43]

  Section "29C" was substituted, for section "29C" by section 3 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- [44]

  The words “in consultation with the High Court Division” after the words “Government may” were inserted by section 15 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [45]

  The words and comma "Chief Metropolitan Magistrate," where inserted by section 2 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983)

- [46]

  The words “Chief Judicial Magistrate or any Additional Chief Judicial Magistrate” were substituted for the words “District Magistrate or any Additional District Magistrate” by section 15 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [47]

  The words “Metropolitan Magistrate or” were inserted after the word “invest” by section 15 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [48]

  The words "The High Court Division" were substituted, for the words "A High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [49]

  The word “Joint” was substituted for the word “Assistant” by section 16 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- [50]

  The word "ten" was substituted, for the word "seven" by section 5 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [51]

  The word "ten" was substituted, for the word "seven" by section 5 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [52]

  Sub-section (4) was omitted by section 16 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [53]

  The words "of Metropolitan Magistrates and" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- [54]

  The words "five years" were substituted, for the words "three years" by section 6 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [55]

  The words “five lac taka” were substituted for the words “ten thousand taka” by section 2(a) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [56]

  The word “Whipping” was omitted by section 2(a) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

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The Code of Criminal Procedure, 1898.

- [57]

The words "three years" were substituted, for the words "two years" by section 6 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [58]

The words “three lac taka” were substituted for the words “five thousand taka” by section 2(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [59]

The words "two years" were substituted, for the words "one year" by section 6 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [60]

The words “two lac taka” were substituted for the words “two thousand taka” by section 2(c) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [61]

Section 33A was inserted by section 7 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [62]

The Brackets, words and figure "(other than a Magistrate action under section 34)" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

- [63]

Section 35A was substituted, for section 35A by section 2 of the Code of Criminal Procedure (Amendment) Act, 2003 (Act No. XIX of 2003)

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- [64]

The words “Judicial and Executive Magistrate” were substituted for the words and comma “District Magistrates, Sub-divisonal Magistrate and Magistrates of the first, second and third classes” by section 17 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [65]

Section 37 was substituted for section 37 by section 18 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [66]

The words "under the same Provincial Government" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [67]

Section 41 was substituted for section 41 by section 19 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [68]

The words “any Magistrate whether Judicial or Executive” were substituted for the words “a Magistrate” by section 20 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [69]

The words “or Sub-divisional Magistrate” were omitted by section 21 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [70]

The words “or Sub-divisional Magistrate” were omitted by section 21 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- [71]

  The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [72]

  Section 46A, section 46B, section 46C, section 46D and section 46E were inserted by section 3 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [73]

  The semi-colon, words and commas "; and where any article is seized from the arrested person, the officer shall prepare a list in the presence of a witness and obtain his signature, if practicable, and shall serve a copy thereof to the arrested person or to any person nominated by him" were inserted after the word "him" by section 4 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [74]

  Section 54 was substituted by section 5 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [75]

  Section 54A was inserted by section 6 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [76]

  The words and commas "in the Dacca Metropolitan Area, to the Chief Metropolitan Magistrate, and in other areas, to the District Magistrate, or if the District Magistrate" were substituted, for the words and commas "to the District Magistrate, or, if he" by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- [77]

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The Code of Criminal Procedure, 1898.

The letter "a" was substituted, for the words "the Dacca" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 78

The words “and also to the Chief Judicial Magistrate” were substituted for the words and comma “or if the District Magistrate so directs, to the Sub-divisional Magistrate” by section 22 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 79

The words “whether Executive or Judicial” after the word “Magistrate” were inserted by section 23 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 80

The words “whether Executive or Judicial” after the word “Magistrate” were inserted by section 24 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 81

Section 67A was inserted by section 7 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 82

The words "Supreme Court" were substituted, for the words "High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 83

Sub-section (4) was added by section 8 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 84

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The word “male” was omitted by section 9 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 85

The word "Republic" was substituted, for the words "State or of a Railway Company" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 86

The words, commas and semi-colon "and, when issued by a Metropolitan Magistrate, shall always be so directed; but any other Court" were substituted, for the semi-colon and words "; but any Court" by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 87

The words “Magistrate of the first class” were substituted for the words “District Magistrate or Sub-divisional Magistrate” by section 25 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 88

The words “local Jurisdiction” were substituted for the words “District or Sub-division” by section 25 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 89

The words “Executive Magistrate or District Superintendent of Police” were substituted for the words “Magistrate or District Superintendent” by section 26 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 90

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The Code of Criminal Procedure, 1898.

The words and comma "or, the Police Commissioner in the Dacca Metropolitan Area" were inserted by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976)

- 91

The letter and words "a Metropolitan Area" were substituted, for the words "the Dhaka Metropolitan Area" by the Schedule III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978)

- 92

The words "or Police Commissioner" were inserted by the Schedule III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978)

- 93

The words “an Executive Magistrate” were substituted for the words “a Magistrate” by section 27 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 94

The words “the Executive Magistrate” were substituted for the words “the Magistrate” by section 28 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 95

The words "or Police Commissioner" were inserted by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976)

- 96

The letter and words "a Metropolitan Area" were substituted, for the words "the Dacca Metropolitan Area" by the Schedule III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978)

- 97

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The Code of Criminal Procedure, 1898.

The words “Police Commissioner or District Superintendent of Police” were substituted for the words “Police Commissioner or District Superintendent” by section 28 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 98

The words “Such Executive Magistrate or” were substituted for the words “Such Magistrate of” by section 29 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 99

The words “District Superintendent of Police” were substituted for the words “District Superintendent” by section 29(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 100

The words "or Police Commissioner" were inserted by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976)

- 101

The words “District Superintendent of Police” were substituted for the words “District Superintendent” by section 29(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 102

The words "or Police Commissioner" were inserted by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976)

- 103

The words “District Superintendent of Police” were substituted for the words “District Superintendent” by section 29(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 104

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The words "or Police Commissioner" were inserted by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976)

- 105

The Colon (:) was substituted for the full stop (.) and after that the new proviso was added by section 29(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 106

The words “local area” were substituted for the words “District” by section 30 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 107
- 108

The words “Chief Judicial Magistrate” at the end of the words “District Magistrate” were inserted by section 30(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 109

The words "or Chief Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 110

The words “local area” were substituted for the words “District” by section 30(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 111

The words, comma and figures "Order XL of the First Schedule to the Code of Civil Procedure, 1908" were substituted, for the words and figure "Chapter XXXVI of the Code of Civil Procedure" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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- [112]

  The words “Chief Judicial Magistrate” at the end of the words “District Magistrate” were inserted by section 30(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [113]

  The words "or Chief Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- [114]

  The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 30(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [115]

  The words "or Chief Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- [116]

  The words “of the first or second class” were omitted by section 30(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [117]

  The words "other than a juror or assessor" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [118]

  The words “Chief Judicial Magistrate” after the words “District Magistrate” were inserted by section 31(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- [119]

  The words "Chief Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- [120]

  The words and comma “other Magistrate, whether Executive or Judicial” were substituted for the words “other Magistrate” by section 31(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [121]

  The words "Police Commissioner" were inserted by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976)

- [122]

  The words “Chief Judicial Magistrate” after the words “District Magistrate” were inserted by section 31(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [123]

  The words “Chief Judicial Magistrate the case may be” after the words “District Magistrate” were inserted by section 32 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [124]

  The words and comma “or an Executive Magistrate specially empowered by the Government in this behalf,” were substituted for the words and comma “sub-divisional Magistrate, Metropolitan Magistrate or Magistrate of the first class” by section 33(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [125]

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The Code of Criminal Procedure, 1898.

The words and comma “or an Executive Magistrate specially empowered by the Government in this behalf,” were substituted for the words “sub-divisional Magistrate or a Metropolitan Magistrate” by section 33(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 126

The words, figures and comma "section 16 of the Customs Act, 1969" were substituted, for the words, figures and comma "section 19 of the Sea Customs Act, 1878" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 127

Sections 99A to 99G were inserted by Schedule III of the Press Law Repeal and Amending Act, 1922 (Act No. XIV of 1922)

- 128

Section 99A was substituted, for the former section 99A by section 3 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991)

- 129

The words “the Vice President of Bangladesh” were omitted by section 34 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 130

The words and commas "any such matter, word or visible representation," were substituted, for the words "any treasonable or seditious or other matter of such a nature" by section 4 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991)

- 131

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The words and commas "any such matter, word or visible representation" were substituted, for the words "treasonable or seditious or other matter of such a nature" by section 4 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991)

- 132

The words "The Supreme Court" were substituted, for the words "Every High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 133

The words "Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 134

The words “or an Executive Magistrate” were substituted for the words “sub-divisional Magistrate” by section 35 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 135

The words and comma “Any Magistrate, whether Executive or Judicial” were substituted for the words “Any Magistrate” by section 36 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 136

The letter and words "a Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 137

The words and comma “a District Magistrate, a sub-divisional Magistrate” were omitted by section 37(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- 138

  The words and number “including a Court hearing appeals under section 407” were omitted by section 37(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 139

  The words “a District Magistrate or any other Executive Magistrate” were substituted for the words and commas “a Metropolitan Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class” by section 38(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 140

  The words "other than the Chief Metropolitan or" were substituted, for the words and letter "other than a" by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 141

  The words “Chief Metropolitan or” were omitted by section 38(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 142

  The words, brackets, comma and figure "provisions of the Printing Presses and Publications (Declaration and Registration) Act, 1973" were substituted, for the words and comma "rules laid down in the Press and Registration of Books Act, 1867" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 143

  The words and comma “District Magistrate, or any other Executive Magistrate” were substituted for the words and comma “Chief Metropolitan or District Magistrate, or a Metropolitan Magistrate or Magistrate of the first class” by section 39 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 144

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The Code of Criminal Procedure, 1898.

The words and comma “District Magistrate, or an Executive Magistrate” were substituted for the words and commas “a Metropolitan Magistrate, District Magistrate, or Sub-divisional Magistrate or Magistrate of the first class” by section 40 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 145

The words and comma “District Magistrate, or any other Executive Magistrate” were substituted for the words and commas “Metropolitan Magistrate, District Magistrate, or Sub-divisional Magistrate or a Magistrate of the first class” by section 41 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 146

The word “Joint” was substituted for the word “Assistant” by section 42 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 147

The word “Joint” was substituted for the word “Assistant” by section 42 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 148

The words “or Chief Metropolitan Magistrate” were omitted by section 43(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 149

The words “Chief Metropolitan or” were omitted by section 43(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 150

The words “or Chief Metropolitan Magistrate” were omitted by section 43(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- [151]

The words “or Chief Metropolitan Magistrate” were omitted by section 43(d) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [152]

The words “or Chief Metropolitan Magistrate” were omitted by section 43(d) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [153]

The words “Chief Metropolitan or” were omitted by section 44 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [154]

The words “District Magistrate or any other Executive Magistrate” were substituted for the words and commas “Metropolitan Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class” by section 45 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [155]

Sub-section (3) of section 126 was re-numbered as section 126A by section 23 of the Code of Criminal Procedure (Amendment) Act, 1923 (Act XVIII of 1923)

- [156]

The words “Executive Magistrate” were substituted for the word “Magistrate” by section 46 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [157]

The words “Executive Magistrate” were substituted for the word “Magistrate” by section 47 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- 158

  The words, letter commas and figure "or a volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such," were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 159

  The words “Executive Magistrate” were substituted for the word “Magistrate” by section 48 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 160

  The words "or the Police Commissioner in the Dacca Metropolitan Area" were inserted by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976)

- 161

  The letter and words "a Metropolitan Area" were substituted, for the words "the Dacca Metropolitan Area" by the Schedule III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978)

- 162

  The words “an Executive Magistrate” were substituted for the word “a Magistrate” by section 49 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 163

  The words "or the Police Commissioner" were inserted by the Schedule of the Dhaka Metropolitan Police (Amendment) Ordinance, 1976" (Ordinance No. LXIX of 1976)

- 164

  The words, commas and figure "or of any Volunteers enrolled under the Indian Volunteers Act, 1869," were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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- 165

  The words “no Executive Magistrate” were substituted for the words “no Magistrate” by section 50 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 166

  The words “an Executive Magistrate” were substituted for the words “a Magistrate” by section 50 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 167

  Section 132A was inserted by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976)

- 168

  The letter and words "a Metropolitan Area" were substituted, for the words "the Dacca Metropolitan Area" by the Schedule III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978)

- 169

  The words “or any other Executive Magistrate” were substituted for the words “a Sub-divisional Magistrate or a Magistrate the first class” by section 51 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 170

  The words “Executive Magistrate” were substituted for the words “Magistrate of the first class or second class” by section 51 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 171

  lause (b) was substituted, for clause (b) by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

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- 172

  The words and figure "or apply for the appointment of a jury as required by section 2 and Schedule of section 135" were omitted by the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 173

  The words "in the manner provided in Chapter XX" were substituted, for the words "as in a summons case" by section 8 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 174

  Section 139A was inserted by section 26 of the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 175

  The words and figure "or section 138" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 176

  The words, figure and comma "or section 138, as the case may require" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 177

  The comma, words and figure ", nor shall any question in respect of the existence of any such public right be inquired into by any jury appointed under section 138" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 178

  The words and figure "or section 137" were substituted, for the comma, words and figures ", section 137 or section 139" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

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- [179]

  The commas and words ", whether a jury to be, or has been, appointed or not," were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [180]

  The words “any other Executive Magistrate” were substituted for the words and comma “Sub-divisional Magistrate, or any other Magistrate” by section 52 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [181]

  The words "or local" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [182]

  The words “or any other Executive Magistrate” were substituted for the words, commas and brackets “Sub-divisional Magistrate, or of other Magistrate (not being a Magistrate of the third class)” by section 53 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [183]

  Sub-section (7) was added by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976)

- [184]

  The letter and words "a Metropolitan Area" were substituted, for the words "the Dacca Metropolitan Area" by the Schedule III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978)

- [185]

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The Code of Criminal Procedure, 1898.

The letter, words and comma "a Metropolitan Magistrate, District Magistrate" were substituted, for the words "the Chief Metropolitan Magistrate, a District Magistrate" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 186

The words “District Magistrate or an Executive Magistrate specially empowered by the Government in this behalf” were substituted for the words and commas “Metropolitan Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class” by section 54 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 187

The words "The Chief Metropolitan Magistrate or" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 188

The words “such Magistrate” were substituted for the words “the Metropolitan Magistrate or the District Magistrate or the Magistrate who has attached the subject of dispute” by section 55 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 189

The words, comma and figure "Code of Civil Procedure, 1908" were substituted, for the words "Code of Civil Procedure" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 190

The words and comma "any Metropolitan Magistrate," were substituted, for the words "the chief Metropolitan Magistrate or any" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 191

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The words and comma “District Magistrate, or Executive Magistrate specially empowered by the Government in this behalf” were substituted for the words and commas “Metropolitan Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class” by section 56 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 192

The words "the Chief Metropolitan Magistrate or" were omitted by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 193

The words “or Sub-divisional Magistrate” were omitted by section 57 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 194

The word "advocate" was substituted, for the word "pleaders" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 195

The word "send" was substituted, for the word "commit" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 196

The comma, words and letter ", or of a Presidency Magistrate" were omitted by section 3 and Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 197

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The Code of Criminal Procedure, 1898.

The words and comma "Any Metropolitan Magistrate, any Magistrate of the first class" were substituted, for the comma and words", any Magistrate of the first class" by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 198

The words “nearest Judicial Magistrate” were substituted for the words “nearest Magistrate” by section 58(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 199

Sub-section (2) was substituted by section 10(a) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 200

Sub-section (2A) was inserted by section 10(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 201

Sub-section (4) was substituted for sub-section (4) by section 58(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 202

Sub-section (4A) after sub-section (4) was inserted by section 58(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 203

Sub-section (5) was substituted for sub-section (5) by section 2 of the Code of Criminal Procedure (Second Amendment) Act, 1992 (Act No. XLII of 1992)

- 204

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Section 167A was inserted by section 11 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 205

The word "send" was substituted, for the word "commit" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 206

The word "send" was substituted, for the word "commit" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 207

The words and comma "Chief Metropolitan Magistrate," were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 208

The words “or the Chief Judicial Magistrate” were substituted for the words “District Magistrate or Sub-divisional Magistrate” by section 59 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 209

Sub-Section (4) was omitted by section 2 of the Code of Criminal Procedure (Amendment) Act, 1926 (Act No II of 1926)

- 210

Section 171 was renumbered as sub-section (1) of that section by section 10 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 211

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Sub-section (2) was added by section 10 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [212]

Sub-sections (3A) and (3B) were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [213]

Section 173A was inserted after section 173 by section 12 of The Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th July 2025).

- [214]

Section 173B was inserted by section 13 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [215]

The words “nearest Executive Magistrate” were substituted for the words “nearest Magistrate” by section 60(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [216]

The words “of the District Magistrate” were substituted for the words and comma “the Chief Metropolitan Magistrate, the District Magistrate or Sub-divisional Magistrate” by section 60(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [217]

The words “the District Magistrate” were substituted for the words and comma “the Chief Metropolitan Magistrate, the District Magistrate or Sub-divisional Magistrate” by section 60(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- [218]

  Sub-section (5) was substituted for sub-section (5) by section 60(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [219]

  The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [220]

  The proviso was omitted by section 5 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- [221]

  The word "Dhaka" was substituted, for the words "the State of Junagadh" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [222]

  The word "Chittagong" was substituted, for the words "Karachi" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [223]

  The word "Chittagong" was substituted, for the words "Karachi" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [224]

  The words "the same" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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- 225

  The word "the" was substituted for the word "that" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 226

  The words "a Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 227

  The words “or a Magistrate of the first class” were substituted for the words and commas “, a District Magistrate, Sub-divisional Magistrate, or, if he is specially empowered in this behalf by the Government, a Magistrate of the first class” by section 61 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 228

  The figure "183" was substituted, for the figure "184" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 229

  The words “such Magistrate shall send the person arrested to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate” were substituted for the words and comma “other than a Metropolitan Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District or Sub-divisional Magistrate” by section 62 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 230

  Second paragraph of section 188 was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 231

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The words "except with the sanction of the Government" were substituted, for the words and commas "unless the Political Agent, if there is one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in Pakistan; and, where there is no Political Agent, the sanction of the Provincial Government shall be required" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 232

The words, comma and figure "the Extradition Act, 1974" were substituted for the words, comma and figure "the Extradition Act, 1903" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 233

The words "the political Agent or" omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 234

The words and comma “Chief Metropolitan Magistrate,” before the words “Metropolitan Magistrate” were inserted by section 63(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 235

The words "Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 236

The words, comma, brackets and figure “Chief Judicial Magistrate, Magistrate of the first class and any other Magistrate specially empowered in this behalf under sub-section (2) or (3)” were substituted for the words and comma “District Magistrate or Sub-divisional Magistrate and any other Magistrate specially empowered in this behalf” by section 63(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- [237]

  Sub-section (2) was substituted for Sub-section (2) by section 63(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [238]

  The words “first or” were omitted by section 63(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [239]

  The word "send" was substituted, for the word "commit" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [240]

  Sub-section (4) was added after sub-section (3) by section 63(d) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [241]

  In the marginal heading the words "or commitment" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [242]

  The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [243]

  The words and comma "The Metropolitan Magistrate, or any" were substituted, for the word and comma "Any," by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

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- [244]

  The words "The Chief Metropolitan Magistrate" were substituted, for the words "the Metropolitan Magistrate" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- [245]

  The words “any Chief Judicial Magistrate” were substituted for the words “any District Magistrate or Sub-divisional Magistrate” by section 64(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [246]

  The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 64(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [247]

  The word "send" was substituted, for the word "commit" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [248]

  The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [249]

  The word “Joint” was substituted for the word “Assistant” by section 65 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [250]

  The words, comma and figure "Registration Act, 1908" were substituted, for the words, comma and figure "Indian Registration Act, 1877" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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- 251

  The words and comma "Government, or some officer empowered in this behalf by the Government" were substituted, for the words and comma "Central Government or the Provincial Government concerned, or some officer empowered in this behalf by either of the two Governments" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 252

  Section 196A was inserted by section 5 of the Criminal Law Amendment Act, 1913 (No. VIII of 1913)

- 253

  The words and comma "Government, or some officer empowered in this behalf by the Government" were substituted, for the words and comma "Central Government or the Provincial Government concerned, or some officer empowered in this behalf by either of the two Governments" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 254

  The words, commas and letter "Government, or the Chief Metropolitan Magistrate, or a" were substituted, for the words and comma "Government, or a" by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 255

  The words “or the Chief Metropolitan Magistrate” were omitted by section 66 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 256

  Section 196B was inserted by section 49 of the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 257

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The words " the Chief Metropolitan Magistrate or a District Magistrate" were substituted, for the letter and words "a District Magistrate" by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance LXXXVI of 1976)

- 258

The words “the Chief Metropolitan Magistrate or” were omitted by section 67 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 259

The words "previous sanction of the Government" were substituted, for the words "previous sanction" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, (Act No. VIII of 1973)

- 260

Clauses (a) and (b) were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 261

The words "The Government" were substituted, for the words and commas "The President or Governor, as the case may be," by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 262

Section 199A was inserted by section 53 of the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 263

Section 199B was inserted by section 4 of the Code of Criminal Procedure (Second Amendment) Act, 1943 (Act No. XXVIII of 1943)

- 264

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The words and commas "upon oath the complainant and such of the witnesses present, if any, as he may consider necessary," were substituted for the words and commas "the complainant and the witnesses present, if any, upon oath," by section 11 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 265

The words "by the complainant or witness so examined" were substituted, for the words "by section 2 and Schedule of the complainant" by the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 266

The words "such examination" were substituted, for the letter and words "a Magistrate to examine the complainant" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 267

The words "such examination" were substituted, for the words and letter "the examination of a complainant" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 268

Clause (b) was omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949

- 269

The words and commas "examined the complainant and witness, if any," were substituted, for the words "examined the complainant" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 270

The words "re-examine them" were substituted, for the words "re-examine the complainant" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 271

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The words and figure "provisions of section 200 have been complied with" were substituted, for the words and figures "complainant has been examined on oath under the provisions of section 200" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 272

A colon was substituted, for the full-stop at the end of the first proviso and thereafter a new proviso was added by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 273

Second proviso was omitted by section 4 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980)

- 274

Proviso was added by section 12 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 275

A colon was substituted for the full-stop at the end of sub-section (2A) and thereafter the proviso was added by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 276

Sub-section 2(B) was added by section 12 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 277

Sub-sections (1A) and (1B) were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 278

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Sections 205A, 205B, 205C and 205D were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIV of 1978)

- 279

The words and comma “Chief Metropolitan Magistrate, Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 68(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 280

Section 205CC was inserted by section 6 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 281

The words and comma "Chief Metropolitan Magistrate," were inserted by section 4 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983)

- 282

The words “or Chief Judicial Magistrate” were substituted for the words “District Magistrate or the Additional District Magistrate” by section 68(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 283

The words and commas "Chief Metropolitan Magistrate or, as the case may be, District Magistrate" were substituted, for the words "District Magistrate" by section 4 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983)

- 284

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The words " Chief Judicial Magistrate" were substituted for the words " District Magistrate" by section 68 of the Code of Criminal Procedure (Amendment) Ordinance, 2007 (Ordinance No. 2 of 2007).

- 285

The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 68(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 286

The words “Chief Judicial Magistrate or the Chief Metropolitan Magistrate” were substituted for the words “District Magistrate” by section 68(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 287

The words and comma “Additional Chief Metropolitan Magistrate or, Additional Chief Judicial Magistrate” were substituted for the words “Additional District Magistrate” by section 68(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 288

The commas and words ", or, in the case of trials before the Court of Session or High Court Division, before the verdict of the jury is returned or the opinions of the assessors are expressed" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 289

The words and figure "section 226 or" omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 290

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The words "or local" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act 1973, (Act No. VIII of 1973)

- 291

The word "CASES" was substituted for the words "SUMMONS-CASES" by section 14 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

- 292

The word "cases" was substituted, for the words "summons-cases" by section 15 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 293

Section 241A was inserted by section 7 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 294

Section 242 was substituted, for the former section 242 by section 16 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 295

The words and commas "If, after such consideration and hearing as aforesaid, the Magistrate is of opinion that there is ground for presuming that the accused has committed as offence, the Magistrate shall frame a formal charge" were substituted, for the words and comma "When the accused appears or is brought before the Magistrate, a formal charge shall be framed" by section 8 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 296

The words "with which he is charged" were substituted, for the words "of which he is accused" by section 17 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

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- 297

  The words and figure “section 562” were omitted by section 69 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 298

  The words and comma “In a case instituted upon complaint, if on” were substituted for the words and comma “If the summons has been issued on complaint, and upon” by section 14 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 299

  The letter and words "a Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 300

  The words and comma “Chief Judicial Magistrate, any other Judicial Magistrate” were substituted for the words and comma “District Magistrate, any other Magistrate” by section 70 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 301

  The word “shall” was substituted for the word “may” after the words “false and either frivolous or vexatious, the Magistrate” by section 15(a) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 302

  The word “shall” was substituted for the word “may” after the words “frivolous or vexations” by section 15(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 303

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The words “fifty thousand taka” were substituted for the words “one thousand taka” by section 15(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 304

The words “twenty-five thousand taka” were substituted for the words “five hundred taka” by section 15(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 305

The words “five thousand taka” were substituted for the words “one hundred taka” by section 15(c) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 306

Sub-section (5) was added by section 20 of the Code of Criminal Procedure (Second Amendment) Ordinance, (Ordinance No. XXIV of 1982)

- 307

The words “one lac taka” were substituted for the words “three thousand taka” by section 15(d) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 308

Clause (a) was substituted, for clause (a) by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 309

The words “or the District Magistrate” were omitted by section 71(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 310

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The words "any Metropolitan Magistrate or Magistrate" were substituted, for the words "any Magistrate" by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 311

The words "Metropolitan Magistrate or" were omitted by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980)

- 312

The words “specially empowered in this behalf by the Government” were omitted by section 71(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 313

The words “and specially empowered in this behalf by the Government” were omitted by section 71(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 314

The word "shall" was substituted, for the words and commas "may, if he or they think fit," by section 22 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 315

The words "two years" were substituted, for the words "one year" by section 22 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 316

The words “five lac taka” were substituted for the words “ten thousand taka” by section 16(a) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 317

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The words “five lac taka” were substituted for the words “ten thousand taka” by section 16(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 318

The words “five lac taka” were substituted for the words “ten thousand taka” by section 16(c) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 319

The words “five lac taka” were substituted for the words “ten thousand taka” by section 16(d) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 320

The words and figures "section 426 and 427" were substituted, for the word and figure "section 427" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 321

The words, figure and commas "criminal trespass, under section 447, and" were inserted before the words "house-trespass" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 322

The words and figure "and offences under sections 509 and 510" were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 323

Sub-clause (jj) was substituted, for sub-clause (jj) by section 2 of the Code of Criminal Procedure (Amendment) Act, 1992 (Act No. III of 1992)

- 324

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The figure "33A" was substituted, for the figure "34" by section 22 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 325

The marginal heading was substituted, for the former marginal heading by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 326

The words and figure "in Chapter XX" were substituted, for the words "or summons-cases" by section 23 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 327

The words and commas "in summons cases, and the procedure prescribed for warrant-cases shall be followed in warrant cases," were omitted by section 2, Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 328

The words "two years" were substituted, for the words "three months" by section 23 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 329

The words and figure "and memorandum of the substance of the evidence as required by section 355" were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 330

Section 264A was inserted by section 17 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 331

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The CHAPTER XXIII was substituted, for CHAPTER XXIII by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

- 332

The words "High Court Division or" were omitted by section 2 and Schedule of the Law Reform Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 333

The words “a Metropolitan Magistrate” were substituted for the words and commas “the District Magistrate, a Metropolitan Magistrate, a Sub-divisional Magistrate” by section 72(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 334

The words “Chief Judicial Magistrate shall” were substituted for the words “District Magistrate shall” by section 72(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 335

The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 72(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 336

The words and comma "or High Court Division, as the case may be" were omitted, by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 337

The words and comma "before the judgment is passed, the Court of Session trying the case" were substituted, for the words and comma "after commitment, but before judgment is passed, the Court to which the commitment is made" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

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- 338

  The words "the committing Magistrate or" were omitted, by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 339

  The words “or the Chief Metropolitan Magistrate or the Chief Judicial Magistrate” were substituted for the words “or the District Magistrate” by section 73 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 340

  The word "Trial" was substituted, for the word "Commitment" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 341

  Section 339A was inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 342

  The words "High Court Division or" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 343

  The words, figures, comma and brackets "section 265D, sub-section (2)" were substituted, for the words, comma and brackets "section 271, sub-section (1)" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 344

  The words and commas "the jury, or the Court with the aid of assessors, or the Magistrate, as the case may be," were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

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- 345

  Section 339B and 339c were inserted by section 24 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1992 (Ordinance No. XXIV of 1982)

- 346

  Sub-section (1) was substituted by section 18 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 347

  The words "one hundred and eighty days" were substituted, for the words "one hundred and twenty days" by section 3 of the Code of Criminal Procedure (Second Amendment) Act, 1992 (Act No. XLII of 1992)

- 348

  The words "received by him" were substituted, for the words and comma "taken cognizance of, or received by him" by section 11 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 349

  The words "three hundred and sixty days" were substituted, for the words "two hundred and forty days" by section 3 of the Code of Criminal Procedure (Second Amendment) Act, 1992 (Act No. XLII of 1992)

- 350

  Sub-section (2A) was inserted by section 11 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 351

  Sub-section (2B) was inserted by section 7 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991)

- 352

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The Code of Criminal Procedure, 1898.

Sub-section (4) was substituted, for the former sub-section (4) by section 3 of the Code of Criminal Procedure (Second Amendment) Act, 1992 (Act No. XLII of 1992)

- 353

Sub-section (5) was substituted, for the former sub-section (5) by section 2 of the Code of Criminal Procedure (Amendment) Ordinance, 1985 (Ordinance No. XXIX of 1985)

- 354

Sub-section (6) was substituted, for the former sub-section (6) by section 7 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991)

- 355

Clause (a) was omitted by section 7 of the Code of Criminal Procedure (Second Amendment) Act, 1992 (Act No. XLII of 1992)

- 356

Sub-section (3) was added by section 2 and Schedule of the Law Reform Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 357

The words "proceedings result" were substituted, for the words and comma "inquiry result in a commitment, or if such trial results" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 358

The words and brackets "and the jury (if any)" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 359

A new row was added above the “rioting” and the words “Being member of unlawful assembly” were mentioned against the Column “Offence.” and the column “Sections of Penal Code applicable.” against the number “143” and the words “Persons by whom offence may be compounded.” against the column “The person against whom the unlawful assembly was assembled” by

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section 19(a) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [360]

Sections 147 and 148 and the entries relating thereto were inserted by section 25 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [361]

Section 336 and the entries relating thereto were inserted by section 25 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [362]

Section 344 and the entries relating thereto were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [363]

Sections 347 and 348 and the entries relating thereto were inserted by section 25 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [364]

Section 354 and the entries relating thereto were inserted by Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [365]

Section 356 and the entries relating thereto were inserted by section 2 and Schedule of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [366]

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Sections 379 and 381 and the entries relating thereto were inserted by the Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 367

The comma and the words ", where the value of the property stolen does not exceed taka five hundred" were omitted by section 12 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 368

Section 380 and the entries relating thereto was inserted by section 2 and Schedule of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 369

Sections 381 and the entries relating thereto were inserted by the Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 370

The comma and the words ", where the value of the property stolen does not exceed taka five hundred" were omitted by section 12 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 371

Sections 406, 407, 408, 411 and 414 and the entries relating thereto were inserted by the Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 372

The comma and the words ", where the value of the property does not exceed taka five thousand" were omitted by section 12 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 373

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The comma and the words ", where the value of the property does not exceed taka five thousand" were omitted by section 12 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 374

The comma and the words ", where the value of the property does not exceed taka five thousand" were omitted by section 12 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 375

The comma and the words ", where the value of the property does not exceed taka five thousand" were omitted by section 12 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 376

The comma and the words ", where the value of the stolen property does not exceed taka five hundred" were omitted by section 12 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 377

Sections 421, 422, 423, 424, 428 and 429 and the entries relating thereto were inserted by the Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

- 378

The words "of the value or taka ten or upwards" were omitted by section 12 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 379

The comma and words ", of any value or any other animal of the value of taka fifty or upwards" were omitted by section 12 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 380

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Section 493 and the entries relating thereto was inserted by section 25 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 381

Section 511 and the entries relating thereto was added by section 25 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 382

The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 383

The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 384

The commas, words, letter and figure ", and a Court of Session so acting under section 439A," were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 385

Sub-section (8) was added by section 19(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 386

The word "Provincial" in the marginal heading was omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 387

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The words " Chief Judicial Magistrate" were substituted for the word " Magistrate" by section 74 of the Code of Criminal Procedure (Amendment) Ordinance, 2007 (Ordinance No. 2 of 2007).

- 388

The words “Chief Judicial Magistrate” were substituted for the word “Magistrate” by section 74 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 389

The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 390

The words “Chief Judicial Magistrate” were substituted for the word “Magistrate” by section 74 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 391

The words " Chief Judicial Magistrate" were substituted for the word " Magistrate" by section 74 of the Code of Criminal Procedure (Amendment) Ordinance, 2007 (Ordinance No. 2 of 2007).

- 392

The words “Chief Judicial Magistrate” were substituted for the word “Magistrate” by section 74 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 393

The words “Chief Judicial Magistrate” were substituted for the word “Magistrate” by section 74 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 394

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The word "send" was substituted, for the word "commit" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 395

Section 347 was substituted, for section 347 by section 5 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980)

- 396

The word "sending" was substituted, for the word "committing" by section 2 and Schedule of the Law Reform Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 397

The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 398

The words and comma "or High Court Division, as the case may be" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 399

The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 400

The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 401

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The words "or High Court Division" were omitted, by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 402

The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 403

The word, figure and letter "section 241A" were substituted, for the words, figures, letters and comma "section 250B or section 250H, as the case may be" by section 13 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 404

The words “Chief Judicial Magistrate or a Magistrate of the first class empowered in this behalf by the Chief Judicial Magistrate” were substituted for the words “District Magistrate or Sub-divisional Magistrate” by section 75(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 405

The words “Chief Judicial Magistrate or a Magistrate of the first class empowered in this behalf by the Chief Judicial Magistrate” were substituted for the words “District Magistrate or Sub-divisional Magistrate” by section 75(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 406

Section 349A was inserted by section 14 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 407

Section 350A was inserted by section 94 of the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

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- 408

  The words, figures and commas “sections 15 and 16 or, as the case may be, section 19 and 21” were substituted for the words and figures “sections 15 and 16” by section 76 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 409

  The words "or commitment" in the marginal heading were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 410

  The proviso was substituted, for the original proviso by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 411

  The words and figure "in the course of an inquiry under Chapter XVIII or" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 412

  The figure and comma "XVIII," were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 413

  The figure and comma "XXI," were omitted by section 26 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 414

  The words "in summons-cases and" were omitted by section 27 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

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- [415]

  The words and figures "In cases tried under Chapter XX or Chapter XXII" were substituted, for the words, figures, brackets, letters and commas "In summons-cases tried before a Magistrate and in the cases of the offences mentioned in sub-section (1) of section 260, clauses (b) to (m), both inclusive, when tried" by section 27 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [416]

  The word and figure "Chapter XII" were substituted, for the words and figures "Chapters XII and XVIII" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [417]

  The words "The Supreme Court" were substituted, for the words "Every High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [418]

  Sub-section (5) was substituted, for sub-section (5) by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [419]

  The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [420]

  The words and commas "or, in the case of the High Court Division, by the Letters Patent of such High Court Division" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [421]

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The words and figure "case under Chapter XX" were substituted, for the word "summons-case" by section 28 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 422

The words and commas “Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, and District Magistrate” were substituted for the words “District Magistrate” by section 77 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 423

Sub-section (2) was substituted, for sub-section (2) by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 424

The words and comma "whether tried with the aid of assessors or by jury," were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 425

The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 426

The words "or Chief Metropolitan Magistrate" were inserted by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 427

Section 390 to section 395 were omitted by section 20 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 428

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Section 390 to section 395 were omitted by section 20 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 429

Section 390 to section 395 were omitted by section 20 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 430

Section 390 to section 395 were omitted by section 20 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 431

Section 390 to section 395 were omitted by section 20 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 432

Section 390 to section 395 were omitted by section 20 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 433

The words “or fine” were substituted for the comma and words “, fine or whipping” by section 21 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 434

The words "or of the Central Government when such right is delegated to it" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 435

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The words and commas "or, in virtue of any power delegated to it, by the Central Government" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 436

Section 402A was inserted by the Government of India (Adaptation of Indian Laws) Order, 1937

- 437

The words "or the discharge of the accused" were substituted, for the commas, words and figure ", the discharge of the accused or any entry made upon a charge under section 273," by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 438

The first proviso was omitted by section 78(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 439

The word “further” of the second proviso was omitted by section 78(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 440

Section 406A was inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 441

Clauses (a), (b) and (c) were substituted, for clauses (b) and (c) by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 442

The words “or the Chief Judicial Magistrate” after the words “Chief Metropolitan Magistrate” were substituted by section 79(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- [443]

  The words and comma “whether Executive or Judicial,” were inserted after the word and comma “Magistrate,” by section 79(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [444]

  The full stop “.” after the words “District Magistrate” were omitted by section 79(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [445]

  The words and full stop “or the Chief Judicial Magistrate.” were inserted by section 79(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [446]

  Section 407 was substituted by section 80 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [447]

  Section 408 was substituted by section 80 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [448]

  The words and comma "the High Court Division," were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [449]

  The words "or any Metropolitan Magistrate" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

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- 450

  The words and letter "the High Court Division passes a sentence of imprisonment not exceeding six months only or of fine not exceeding two hundred Taka only or in which" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 451

  The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 81 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 452

  The words "or Metropolitan Magistrate" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 453

  The words “five thousand taka” were substituted for the words “fifty taka” by section 22 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 454

  The words “five thousand taka” were substituted for the words “two hundred taka” by section 23 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 455

  Section 415A was inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (Act XVIII of 1923)

- 456

  Sections 417, 417A and 418 were substituted, for the original sections 417 and 418 by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

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- 457

  Sub-section (1) was substituted for sub-section (1) by section 5 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1983 (Ordinance No. XXXVII of 1983)

- 458

  Sub-section (2) was substituted for sub-section (2) by section 3 of the Code of Criminal Procedure (Amendment) Act, 2000 (Act No. XLI of 2000)

- 459

  The words and letter "or a Court of Session" were inserted by section 3 of the Code of Criminal Procedure (Amendment) Act, 2000 (Act No. XLI of 2000)

- 460

  The commas, words and figure ", and, in cases tried by a jury, a copy of the heads of the charge recorded under section 367" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 461

  The words, figures, comma and brackets "section 411A, sub-section (2) or" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 462

  The words, figures, comma and brackets "section 411A, sub-section (2) or" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 463

  The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

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The Code of Criminal Procedure, 1898.

- 464

  The word "sent" was substituted, for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 465

  Clause (bb) was inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 466

  A colon was substituted for the full-stop at the end of clause (d) and thereafter the provisos were added by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 467

  Section (1) was substituted for Sub-section (1) by section 82 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 468

  The words "is sentenced to imprisonment for a term not exceeding one year" were substituted for the words "other than a person accused of a non-bailable offence is sentenced to imprisonment" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 469

  The words "Appellate Division of the Supreme Court" were substituted for the words "Supreme Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 470

  The words, figures and commas "section 417 or section 417A, the High Court Division or any other Appellate Court, as the case may be," were substituted for the words, figures, commas and brackets "section 411A, sub-section (2), or section 417, the High Court Division" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

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- 471

  The semi-colon and words "; but such evidence shall not be taken in the presence of jurors or assessors" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 472

  The comma, word and figure ", section 417A" were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 473

  The words and figures "section 417 or section 417A" were substituted, for the words, figures, commas and brackets "section 411A, sub-section (2), or section 417" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 474

  The words and comma “Chief Metropolitan Magistrate or District Magistrate, or any Sub-divisional Magistrate empowered by Government in this behalf” were omitted by section 83(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 475

  The words and comma “Chief Metropolitan Magistrate or District Magistrate, or any Sub-divisional Magistrate empowered by Government in this behalf” were omitted by section 83(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 476

  The words "to the Chief Metropolitan Magistrate or" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 477

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Sub-section (2) was omitted by section 83(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 478

Sub-section (4) was omitted by section 83(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 479

The words "Chief Metropolitan Magistrate" were substituted, for the words "District Magistrate" by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

- 480

The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 84 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 481

The words "Chief Metropolitan Magistrate" were substituted, for the words "District Magistrate" by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 482

The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 84 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 483

Section 438 was omitted by section 85 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 484

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The words and figure "acting otherwise than under section 34" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 485

The letter and words "a Metropolitan Magistrate or" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 486

Sub-section (4) was substituted for sub-section (4) by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 487

Section 439A was inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 488

CHAPTER XXXIIA was inserted by section 30 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982(Ordinance No. XXXIV of 1982)

- 489

The words "ninety days" were substituted, for the words "sixty days" by section 16 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 490

The words "service of notice upon respondents" were substituted, for the words "admission of the appeal" by the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 491

The words "ninety days" were substituted, for the words "sixty days" by section 16 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

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- 492

  The words "service of notice upon the parties" were substituted, for the words "calling for the records by it" by the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982)

- 493

  Sub-section (3) was added by section 6 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1983 (Ordinance No. XXXVII of 1983)

- 494

  Sub-section (IA) was inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 495

  Section 465 was substituted, for section 465 by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 496

  The words and commas "or, as the case may be, the court is satisfied from the evidence given before him or it" were substituted for the words "is satisfied from the evidence given before him" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 497

  The words and commas "or, as the case may be, the Court shall proceed with the case" were substituted, for the words "shall proceed with the case, and, if accused ought to be committed to the Court of Session or High Court Division, send him for trial before the Court of Session or High Court Division, as the case may be" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 498

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The words "the Government" were substituted for the words "such Provincial Government" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 499

Sections 476, 476A and 476B were substituted, for section 476 by section 128 of the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 500

Paragraph was added by section 60 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 501

Sub-section (2) was substituted, for the former sub-section (2) by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 502

The words, comma and figure "Registration Act, 1908" were substituted for the words, comma and figure "Indian Registration Act, 1877" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 503

Section 485A was inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 504

The words and figure "or section 485A" were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 505

The comma, word and figures ", 485 and 485A" were substituted for the word and figure "and 485" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

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- 506

  The words "the Supreme Court" were substituted, for the words "the High Court Division" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 507

  Sections 488, 489 and 490 were omitted by section 86 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 508

  Clause (f) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 509

  The words "Supreme Court" were substituted for the words "High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 510

  Sub-section (3) was substituted for sub-section (3) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 511

  The words "The Chief Metropolitan Magistrate or the" were substituted for the comma and word ", the" by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 512

  The words “District Magistrate” were substituted for the words and commas “Chief Metropolitan Magistrate or the District Magistrate, or subject to the control of the District Magistrate, the Sub-divisional Magistrate” by section 87 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- [513]

  The words and comma "in cases tried by jury before the return of the verdict, and in other cases" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [514]

  The words "Attorney-General" were substituted, for the words and comma "Advocate-General, standing Counsel" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act 1973, (Act No. VIII of 1973)

- [515]

  Sub-section (1) was numbered as the existing provision by section 24 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [516]

  Sub-section (2) was added by section 24 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [517]

  Sub-section (3) was added by section 25 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- [518]

  The letter and words "a Metropolitan Magistrate" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- [519]

  The words “a Chief Judicial Magistrate” were substituted for the words “a District Magistrate” by section 88(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- 520

  The words “Chief Metropolitan Magistrate or Chief Judicial Magistrate” were substituted for the words “or Magistrate of the first class” by section 88(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 521

  The words “Chief Metropolitan Magistrate or the Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 88(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (wit h effect from 1st November, 2007).

- 522

  The words “any other Magistrate” were substituted for the words and comma “such Magistrate, of the first class” by section 88(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 523

  The letter "a" was substituted, for the word "Dacca" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No IV of 1980)

- 524

  Section 504 was inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 525

  The words "Metropolitan Magistrate or" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 526

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The words “Chief Metropolitan Magistrate or Chief Judicial Magistrate” were substituted for the words “Metropolitan Magistrate or District Magistrate” by section 89(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 527

The words and comma “such Magistrate shall apply to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate, to whom he is subordinate” were substituted for the words “such Magistrate shall apply to the District Magistrate” by section 89(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 528

The words “and the Chief Judicial Magistrate or the Chief Metropolitan Magistrate” were substituted for the words “and the District Magistrate” by section 89(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 529

Section 508A was inserted by section 3 of the Code of Criminal Procedure (Amendment) Act, 1940 (Act No. XXXV of 1940)

- 530

The word and figure "section 504" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 531

Section 509A was inserted by section 31 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- 532

Section 510 was substituted, for section 510 by section 32 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

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- [533]

  Section 510A was inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [534]

  The words "or commit for trial" were omitted by section 2 and Schedule of the Law Reforms Ordinance, Ordinance, 1978 (Ordinance No. XLIX of 1978)

- [535]

  The commas and words ", on the arrest of such person," were omitted by section 33 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982)

- [536]

  The words "Metropolitan Magistrate or" were inserted by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- [537]

  The words “or Chief Metropolitan Magistrate” were omitted by section 90(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [538]

  The words and figure “or section 562” were omitted by section 90(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- [539]

  Sections 514A and 514B were inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- [540]

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The words "Metropolitan Magistrate or" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 541

Section 515 was substituted for section 515 by section 91 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 542

Section 516A was inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 543

The words "Chief Metropolitan Magistrate or" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 544

The words “sub-divisional” were omitted by section 92(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 545

The words “District Magistrate” were substituted for the words and comma “Chief Metropolitan Magistrate, District Magistrate or to a Sub-divisional Magistrate” by section 92(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 546

The words "one month" were substituted for the words "six months" by the Code of Criminal Procedure (Amendment) Order, 1973 (President's Order No. I of 1973), Article 2

- 547

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The Code of Criminal Procedure, 1898.

The words and comma “Chief Metropolitan Magistrate, Chief Judicial Magistrate” were substituted for the words and commas “Metropolitan Magistrate, District Magistrate, or Sub-divisional Magistrate” by section 93 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 548

Section 525A was inserted by section 7 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1983 (Ordinance No. XXXVII of 1983)

- 549

The figure "183" was substituted, for the figure "184" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 550

The word "sent" was substituted for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 551

The commas, words and figure ", except as provided in section 267," were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 552

The colon was substituted for the full stop at the end of sub-section (3) and thereafter the proviso was added by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 553

The words "Attorney-General" were substituted, for the words "Advocate General" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 554

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The words "one thousand taka" were substituted, for the words "two hundred and fifty taka" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 555

The words and figure "or Chapter XVIII" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 556

Section 526B was inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 557

The word “Joint” was substituted for the word “Assistant” by section 94(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 558

The words “Chief Judicial Magistrate or District Magistrate” were substituted for the words “any District Magistrate or Sub-divisional Magistrate” by section 94(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 559

The words “with the approval of the High Court Division” were inserted after the words “The Government” by section 94(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 560

The words “Chief Metropolitan Magistrate or the Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 94(c) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 561

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The word “sub-division” was omitted by section 95 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 562

Clause (b) was repealed by section 148 of the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 563

Clauses (c) and (d) were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 564

The commas and words ", or Any Commissioner to administer oaths in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 565

Sections 539A and 539B were inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 566

Proviso was omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 567

The words and comma “where two or more accused are before the Court,” were omitted by section 26(a) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 568

The word “the” was substituted for the word “such” after the words “any one or more of” by section 26(a) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 569

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The words "an advocate" were substituted, for the letter and word "a pleader" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 570

The words "an advocate" were substituted, for the letter and word "a pleader" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 571

Sub-section (3) was added by section 26(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 572

The word and figure "section 58" were substituted for the word and figure "section 342" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 573

The words, comma and figure "Code of Criminal Procedure, 1908" were substituted, for the words "Code of Civil Procedure" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 574

The word and figure "section 58" were substituted, for the word and figure "section 341" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 575

The words, comma and figure "Code of Criminal Procedure, 1908" were substituted, for the words "Code of Civil Procedure" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 576

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The words and comma “Expenses and protection of complainants, witnesses and victims” were substituted for the words “Expenses of complainants and witnesses” by section 27(a) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 577

Sub-section (1) was numbered as the existing provision by section 27(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 578

The word “order” was substituted for the word “rules” by section 27(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 579

Sub-section (2) was added by section 27(c) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026) (With effect from 10th August 2025).

- 580

Section 546A was inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 581

The words "the Judge's charge to the jury or of" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance XLIX of 1978)

- 582

The words "Metropolitan Magistrate or" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 583

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The words “or a Magistrate of the first class” were inserted after the words “Metropolitan Magistrate” by section 96 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 584

The words and comma "Government, the Supreme Court" were substituted, for the words and comma "Government, any High Court Division" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 585

The words "The Supreme Court" were substituted, for the words "Every High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 586

The words and figure "article 107 of the Constitution of the People's Republic of Bangladesh" were substituted, for the words and figures "Article 101 and 102 of the Constitution" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 587

The words "or commit for trial" were omitted by section 2 and Scheduleof the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 588

The word "it" was substituted, for the words and comma "it, other than the Supreme Court" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 589

The words “the Chief Judicial Magistrate or the District Magistrate” were substituted for the words “as the case may be” by section 97 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- 590

  The words and commas "the Chief Metropolitan Magistrate or, as the case may be, the District Magistrate" were substituted, for the words "the District Magistrate" by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 591

  Section 561A was inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923)

- 592

  The words and letter "except the Chief Metropolitan Magistrate or a" were substituted, for the word and letter "except a" by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 593

  The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 98(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

- 594

  The word "send" was substituted, for the word "commit" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978)

- 595

  The words and letter "if the Chief Metropolitan Magistrate or a" were substituted, for the word "if a" by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- 596

  The words “Chief Judicial Magistrate” were substituted for the words “District Magistrate” by section 98(b) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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- [597]

  Clause (b) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [598]

  The words "Metropolitan Magistrate" were inserted by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976)

- [599]

  The words and comma “District Magistrate, Sub-divisional Magistrate” were omitted by section 99 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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SCHEDULE II

TABULAR STATEMENT OF OFFENCES

EXPLANATORY NOTE.–The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Penal Code", are not intended as definitions of the offences and punishments described in the several corresponding sections of the Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

CHAPTER V.– ABETMENT

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.
110.	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	May arrest without warrant if arrest for the offence abetted may be made without warrant but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	Ditto.

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compound-able or not.	Punishment under the Penal Code	By what Court triable.
111.	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	May arrest without warrant if arrest for the offence abetted may be made without warrant but not otherwise.	Accor-ding as a warrant or summons may issue for the offence abetted.	Accor-ding as the offence abetted is bailable or not.	According as the offence abetted is compound-able or not.	The same punishment as for the offence intended to be abetted.	The Court by which the offence abetted is triable.
113.	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto	Ditto	Ditto	Ditto	The same punishment as for the offence committed.	Ditto.
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
115	Abetment of an offence, punishable with death or *transportation for life, if the offence be not committed in consequence of the abetment.	Ditto	Ditto	Not bailable	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compound-able or not.	Punishment under the Penal Code	By what Court triable.
	If an act which causes harm be done in consequence of the abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	Not bailable	According as the offence abetted is compound-able or not.	Imprison-ment of either description for 14 years and fine.	The Court by which the offence abetted is triable.
116	Abetment of an offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto	Ditto	According as the offence abetted is bailable or not.	Ditto	Imprison-ment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto	Ditto	Ditto	Ditto	Imprisonment extending to half of the longest term, and any description, provided for the offence, or fine, or both.	Ditto

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
117	Abetting the commission of an offence by the public, or by more than ten persons.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoun-dable or not.	Imprison-ment of either description for 3 years, or fine, or both.	The Court by which the offence abetted is triable.
118	Concealing a design to commit an offence punishable with death or *transporta-tion for life, if the offence be committed.	Ditto	Ditto	Not bailable	Ditto	Imprison-ment of either description for 7 years, and fine.	Ditto
	If the offence be not committed.	Ditto	Ditto	Bailable	Ditto	Imprison-ment of either description for 3 years and fine.	Ditto
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto	Ditto	According as the offence abetted is bailable or not.	Ditto	Imprison-ment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code	By what Court triable.
	If the offence be punishable with death or transportation for life.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	Not bailable	According as the offence abetted is compoun- dable or not.	Imprisonment of either description for 10 years.	The Court by which the offence abetted is triable.
	If the offence be not committed	Ditto	Ditto	Bailable	Ditto	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprison- ment if the offence be committed. If the offence be not committed.	Ditto Ditto	Ditto Ditto	According as the offence concealed is bailable or not. Bailable	Ditto Ditto	Ditto Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or	Ditto Ditto.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable .
	CHAPTER VA.—CRIMINAL CONSPIRACY						
120B.	Criminal conspiracy to commit an offence punishable with death transportation or rigorous imprisonment for a term of two years or upwards.	May arrest without warrant if arrest for the offence which is the object of the conspiracy may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence which is the object of the conspiracy.	According as the offence which is the object of the conspiracy is bailable or not.	Not compoun-dable	The same punishment as that provided for the abetment of the offence which is the object of the conspiracy.	[1][Court by which abetment of the offence which is the object of conspiracy is triable.]
	Any other criminal conspiracy.	Shall not arrest without a warrant.	Summons	Bailable	Ditto	Imprison-ment of either description for six months or fine, or both.	[2][Any Judicial Magistr-ate]
	CHAPTER VI.—OFFENCES AGAINST THE STATE						Court of Session.
121.	Waging or attempting to wage war, or abetting the waging of war, against Bangladesh.	Shall not arrest without warrant.	Warrant	Not bailable.	Not compoun-dable	Death, or [*]transporta-tion for life, and fine.	

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1 The words "Court by which abetment of the offence which is the object of conspiracy is triable" were substituted for the entries "Court of Session when the offence which is the object of the conspiracy is triable exclusively by such Court; in the case of all other offences Court of Session, or Magistrate of the first class" by Schedule, sl. 98 of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[*] The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code	By what Court triable.
121A	Conspiring to commit certain offences against the State.	Shall not arrest without warrant	Warrant	Not bailable.	Not compoun-dable	*Transporta-tion for life or any shorter term, or imprison-ment of either description for 10 years and fine.	Court of Session.
122.	Collecting arms, etc., with the intention of waging war against Bangladesh.	Ditto	Ditto	Ditto	Ditto	Transpor-tation for life, or imprison-ment of either descrip-tion for 10 years and fine.	Ditto
123.	Concealing with intent to facilitate a design to wage war.	Ditto	Dittio	Ditto	Ditto	Imprison-ment of either descrip-tion for 10 years, and fine.	[1][Court of Session, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
123A	Condemnation of the State and advocacy of abolition of its sovereignty.	Ditto	Ditto	Ditto	Ditto	Rigorous imprison-ment for 10 years, and fine.	Ditto

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[1] The entry was substituted for "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[2] The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009), (with effect from 1st November, 2007).

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
124.	Assaulting President, Government, etc., with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant.	Warrant	Not bailable	Not compoun-dable	Imprison-ment of either description for 7 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first class.]
124A.	Sedition	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life or for any term and fine, or imprison-ment of either description for 3 years and fine, or fine.	Court of Session, [2][Chief Metropolitan Magistrate] or [3][Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.
125	Waging war against any Asiatic Power in alliance or at peace with Bangladesh, or abetting the waging of such war.	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life, and fine or imprisonment of either description for 7 years and fine, or fine.	Court of Session.

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1 The entry was substituted for "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Chief Metropolitan Magistrate" were inserted by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

3 The words "Chief Judicial Magistrate" were substituted for the words "District Magistrate" by Section 100 (b)(ii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
126.	Committing depredation on the territories of any power in alliance or at peace with Bangladesh.	Shall not arrest without warrant.	Warrant	Not bailable	Not compoun-dable	Imprison-ment of either description for 7 years and fine, and forfeiture of certain property.	[1][Metropoli-tan Magistrate or Magistrate of the first class.]
127.	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
128.	Public servant voluntarily allowing prisoner of State or war in his custody to escape.	Ditto	Ditto	Ditto	Ditto	*Trans-portation for life, or imprison-ment of either description for 10 years, and fine.	[2][Court of Session.]
129.	Public Servant negligently suffering prisoner of State or war in his custody to escape.	Ditto	Ditto	Bailable	Ditto	Simple imprison-ment for 3 years and fine.	[3][Metropoli-tan Magistrate or Magistrate of the first class.]

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1 The entry was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry was substituted for the former entry by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980).

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
130.	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Shall not arrest without warrant.	Warrant	Not bailable	Not compoun-dable	*Transpor-tation for life, or imprison-ment of either description for 10 years, and fine.	Court of Session.
	CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY						
131.	Abetting mutiny, or attempting to seduce an officer, soldier, sailor or air man from his allegiance or duty.	May arrest without wa rrant.	Warrant	Not bailable	Not compoun-dable	*Transpor-tation for life, or imprison-ment of either description for 10 years, and fine.	Court of Session.
132.	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto	Ditto	Ditto	Ditto	Death, or *trans-portation for life, or imprison-ment of either description for 10 years, and fine.	Ditto
133.	Abetment of an assault by an officer, soldier, sailor of air man on his superior officer, when in the execution of his office.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, and fine.	[1][Metropoli-tan Magistrate or Magistrate of the first class.]

[1] The entry was substituted for the former entry by section 2 of the Code of Criminal Procedure (Amendment) Ordinance, 1980 (Ordinance No. IV of 1980).

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
134.	Abetment of such assault, if the assault is committed.	May arrest without warrant.	Warrant	Not bailable	Not compoun-dable	Imprison-ment of either description for 7 years, and fine.	[1][Metropoli-tan Magistrate or Magistrate of the first class.]
135.	Abetment of the description of an officer, soldier, sailor or air man.	Ditto	Ditto	Bailable	Ditto	Imprison-ment of either description for 2 years, or fine, of both.	[2][Any Judicial Magistrate].
136.	Harbouring such an officer, soldier, sailor or airman, who has deserted.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
137.	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons	Ditto	Ditto	Fine of 500 Taka	[2][Any Judicial Magistrate].
138.	Abetment of act of insubordination by an officer, soldier, sailor or airman if the offence be committed in consequence.	May arrest without warrant.	Warrant	Ditto	Ditto	Imprison-ment of either description for 6 months, or fine, or both.	Ditto.

1 The entry was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Any Judicial Magistrate" were substituted for the words "Any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code	By what Court triable.
140.	Wearing the dress or carrying any token used by a soldier, sailor or airman with intent that it may be believed that he is such a soldier, sailor or airman.	May arrest without warrant.	Summons	Bailable	Not compoundable	Imprison-ment of either description for 3 months, or fine of 500 taka, or both.	[1][Any Judicial Magistrate].
	CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY						
143.	Being member of an unlawful assembly.	May arrest without warrant	Summons	Bailable	[1][compoundable]	Imprison-ment of either description for 6 months or fine, or both.	[2][Any Judicial Magistrate].
144.	Joining an unlawful assembly armed with any deadly weapon.	Ditto	Warrant	Ditto	[3][Not compoundable]	Imprison-ment of either description for 2 years, or fine, or both.	Ditto.
145.	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

1 The word "Compoundable" was substituted for the words "Not compoundable" by section 28(a) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026). (With effect from 10th August 2025)

2 The words "Any Judicial Magistrate" were substituted for the words "Any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The words "Not Compoundable" were substituted for the word "Ditto" by section 28(b) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026). (With effect from 10th August 2025)

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first	Whether bailable or not.	Whether compound-able or not.	Punishment under the Penal Code	By what Court triable.
147.	Rioting	May arrest without warrant.	Warrant	Bailable	[1][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprison-ment of either description for 2 years, or fine or both.	[2][Any Judicial Magistrate].
148.	Rioting armed with a deadly weapon.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, or fine, or both.	[3][Metropo-litan Magistrate or Magistrate of the first or second class.]
149.	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	Accor-ding as the offence is bailable or not.	[4][Not com-poundable.]	The same as for the offence.	The Court by which the offence is triable.
150.	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committe d by the person hired, engaged or employed .	Ditto	Ditto	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto

1 The entry was substituted for "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first or second class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The entry was substituted for "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
151.	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	May arrest without warrant.	Summons	Bailable	Not com-poundable	Imprisonment of either description for 6 months, or fine, or both.	[1][Any Judicial Magistra-te].
152.	Assaulting or obstructing public servant when suppressing riot, etc.	Ditto	Warrant	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	[2][Metrop-olitan Magistrate or Magistra te of the first or second class.]
153.	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine, or both.	[1][Any Judicial Magis-trate].
	If not committed.	Ditto	Summons	Ditto	Ditto	Imprisonment of either description for 6 months, or fine, or both.	Ditto
153A.	Promoting enmity between classes.	Shall not arrest without warrant.	Warrant	Not bailable	Ditto	Imprisonment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate]

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1 The words "Any Judicial Magistrate" were substituted for the words "Any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first or second class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
153B.	Inducing students or institution interested in or connected with students to take part in any political activity.	May arrest without warrant.	Warrant	Not bailable	Not com-poundable	Imprison-ment of either description for 2 years, or fine, or both.	[1][Any Judicial Magis-trate].
154.	Owner or occupier of land not giving information of riot, etc.	Shall not arrest without warrant.	Summons	Bailable	Ditto	Fine of Taka 1,000	[2][Any Judicial Magis-trate]
155.	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto	Ditto	Ditto	Ditto	Fine	Ditto.
156.	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
157.	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto	Ditto	Ditto	Imprison-ment of either description for 6 months, or fine, or both.	Ditto.

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
158.	Being hired to take part in an unlawful assembly or riot.	May arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 6 months, or fine, or both.	[1][Any Judicial Magis-trate].
[2][***]	Or to go armed	Ditto	Warrant	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	Ditto.
160.	Committing affray.	Shall not arrest without warrant.	Summons	Ditto	Ditto	Imprison-ment of either description for one month, or fine of 100 Taka, or both.	[1][Any Judicial Magis-trate].
CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS							
161.	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official Act.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 3 years, or fine, or both.	[3][Metro-politan Magis-trate or Magistrate of the first or second class.]

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The figure 159 was repealed by the Repealing and Amending Act, 1925 (Act No. XXXVII of 1925).

3 The entry was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first or second class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
162.	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 3 years, or fine, or both.	[1][Metro-politan Magistrate or Magistrate of the first or second class.]
163.	Taking a gratification for the exercise of personal influence with a public servant.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 year, or fine, or both.	[2][Any Judicial Magistrate]
164.	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, or fine, or both.	[1][Metro-politan Magistrate or Magistrate of the first or second class.]
165.	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

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1 The entry was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first or second class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
165A.	Abetment of offences under sections 161 and 165.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 3 years, or fine, or both.	Metro-politan Magistrate or Magistrate of the first class.
166.	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 year, or fine, or both.	[1][Any Judicial Magistrate]
167.	Public servant framing an incorrect document with intent to cause injury.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, or fine, or both.	[2][Metro-politan Magistrate or Magistrate of the first or second class.]
168.	Public servant unlawfully engaging in trade.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 year, or fine, or both.	[1][Any Judicial Magistrate]
169.	Public servant unlawfully buying or bidding for property.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 3 years, or fine, or both and confiscation of property, if purchased.	[1][Any Judicial Magistrate]

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first or second class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
170.	Personating a public servant.	May arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprisonment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate].
171.	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto	Summons	Ditto	Ditto	Imprisonment of either description for 3 months, or fine of Taka 200, or both.	Ditto.
	CHAPTER IXA.—OFFENCES RELATING TO ELECTIONS						
171E.	Bribery	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable.	Imprisonment of either description for one year, or fine, or both or if treating only, fine only.	[1][Any Judicial Magistrate].
171F.	Undue influence and personation at an election.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for one year, or fine, or both.	Ditto.
171G.	False statement in connection with an election.	Ditto	Ditto	Ditto	Ditto	Fine	Ditto.
171H.	Illegal payments in connection with elections.	Ditto	Ditto	Ditto	Ditto	Fine of 500 Taka	Ditto.
171I.	Failure to keep election accounts.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
	CHAPTER X.- CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS						
172.	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Simple imprisonment for 1 month, or fine of 500 Taka, or both.	[1][Any Judicial Magistrate].
	If summons or notice require attendance in person, etc., in a Court of Justice.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	Ditto.
173.	Preventing the service, or the affixing of any summons or notice, or the removal of it when it has been affixed or preventing a proclamation.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 month, or fine of 500 Taka, or both.	[1][Any Judicial Magistrate].
	If summons, etc., require attendance in person, etc., in a Court of Justice.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	Ditto
174.	No obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.					Simple imprisonment for 1 month, or fine of 500 Taka, or both.	[1][Any Judicial Magistrate].

[1] The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009), section 100(b)(i) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
	If the order require personal attendance, etc., in a Court of Justice.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	[1][Any Judicial Magistrate].
175.	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 month, or fine of 500 Taka, or both.	The Court in which the offence is committed subject to the provisions of Chapter XXXV; or, if not committed in a Court, a [2][Metropolitan Magistrate or Magistrate] of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	Ditto
176.	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 month, or fine of 500 Taka, or both.	[1][Any Judicial Magistrate].

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
176 contd.	If the notice or information required respects the commission of an offence, etc.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	[1][Any Judicial Magistrate].
	If the notice or information is required by an order passed under sub-section (1) of section 565 of this Code.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 6 months, or fine of 1,000 Taka or both.	Ditto.
177.	Knowingly furnishing false information to a public servant.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
	If the information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
178.	Refusing oath when duly required to take oath by a public servant.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	The Court in which the offence is committed subject to the provisions of Chapter XXXV; or, if not committed in a Court, a [2][Metropolitan Magistrate or Magistrate] of the first or second class.

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[1] The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[2] The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
179.	Being legally bound to state truth, and refusing to answer questions.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Simple imprison-ment for 6 months, or fine of 1,000 Taka, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a [1][Metropolitan Magistrate or Magistrate] of the first or second class.
180.	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto	Ditto	Ditto	Ditto	Simple imprison-ment for 3 months, or fine of 500 Taka, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a [2][Metropolitan Magistrate or Magistrate] of the first or second class.
181.	Knowingly stating to a public servant on oath as true that which is false.	Ditto	Warrant	Ditto	Ditto	Imprison-ment of either description for 3 years, and fine.	[3][Metropolitan Magistrate or Magistrate of the first or second class.]

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1 The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

2 The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by section 34 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980).

3 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
182.	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 6 months, or fine of 1,000 Taka, or both.	[1][Any Judicial Magistrate].
183.	Resistance to the taking of property by the lawful authority of a public servant.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
184.	Obstructing sale of property offered for sale by authority of a public servant.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 1 month, or fine of 500 Taka, or both.	[1][Any Judicial Magistrate].
185.	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 1 month, or fine of 200 Taka, or both.	Ditto

[1] The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
186.	Obstructing public servant in discharge of his public functions.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 3 months, or fine of 500 Taka, or both.	[1][Any Judicial Magistrate].
187.	Omission to assist public servant when bound by law to give such assistance.	Ditto	Ditto	Ditto	Ditto	Simple imprison-ment for 1 month, or fine of 200 Taka, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	Ditto	Ditto	Ditto	Ditto	Simple imprison-ment for 6 months, or fine of 500 Taka, or both.	Ditto.
188.	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	Ditto	Ditto	Ditto	Ditto	Simple imprison-ment for 1 month, or fine of 200 Taka, or both.	[1][Any Judicial Magistrate].

[1] The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code	By what Court triable.
188. contd.	If such disobedience causes danger to human life, health or safety, etc.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 6 months, or fine of 1,000 Taka, or both.	[1][Any Judicial Magistrate]
189.	Threatening a public servant with injury to him, or one in whom he is interested, to in-duce him to do or forbear to do any official act.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	Ditto.
190.	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 1 year, or fine, or both.	Ditto.
CHAPTER XI.-FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE							
193.	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant	Bailable	Not compoun-dable	Imprison-ment of either description for 7 years, and fine.	[2][Metropoli-tan Magistrate or Magistrate of the first class.]

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
193. contd.	Giving or fabricating false evidence in any other case.	Shall not arrest without warrant.	Warrant	Bailable.	Not com-poundable	Imprison-ment of either description for 3 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first or second class.]
194.	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto	Ditto	Not Bailable.	Ditto	*Trans-portation for life, or rigorous imprison-ment for 10 years, and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto	Ditto	Ditto	Ditto	Death, or as above.	Ditto.
195.	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with *transportation for life or with imprisonment for 7 years or upwards.	Ditto	Ditto	Ditto	Ditto	The same as for the offence.	Ditto.

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[1] The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
196.	Using in a judicial proceeding evidence known to be false or fabricated.	Shall not arrest without warrant.	Warrant	According as the offence of giving such evidence is bailable or not.	Not com-poundable	The same as for giving or fabricating false evidence.	[1][Metropolitan Magistrate or Magistrate of the first class.]
197.	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto	Ditto	Bailable	Ditto	The same as for giving false evidence.	Ditto.
198.	Using as a true certificate one known to be false in a material point.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
199.	False statement made in any declaration which is by law receivable as evidence.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
200.	Using as true any such declaration known to be false.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

[1] The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session or Magistrate of the first class" by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
201.	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Shall not arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 7 years, and fine.	[1][Metropoli-tan Magistrate or Magistrate of the first class.]
	If punishable with *transporta-tion for life or imprisonment for 10 years.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, and fine.	[2][Metropoli-tan Magistrate or Magistrate of the first or second class.]
	If punishable with less than 10 years' imprisonment.	Ditto	Ditto	Bailable	Ditto	Imprison-ment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	[3][Metropoli-tan Magistrate or Magistrate] of the first class or Court by which the offence is triable.

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1 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
202.	Intentional omission to give information of an offence by a person legally bound to inform.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 6 months, or fine, or both.	[1][Any Judicial Magistrate]
203.	Giving false information respecting an offence committed.	Ditto	Warrant	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, of both.	Ditto.
204.	Secreting of destroying any document to prevent its production as evidence.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate]
205.	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, or fine, or both.	[2][Metropoli-tan Magistrate or Magistrate of the first or second class.]

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
206.	Fraudulent removal or concealment, etc., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Shall not arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate]
207.	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
208.	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate]

[1] The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
209.	False claim in a Court of Justice.	Shall not arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 2 years, and fine.	[1][Any Judicial Magistrate]
210.	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	Ditto.
211.	False Charge of offence made with intent to injure.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
	If offence charged be punishable with imprisonment for 7 years or upwards.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, and fine.	[2][Metropoli-tan Magistrate or Magistrate of the first class.]
	If offence charged be capital, or punishable with *transportation for life.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, and fine.	Ditto

1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
212.	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 5 years, and fine.	[1][Metropoli-tan Magistrate or Magistrate of the first class.]
	If punishable with *transpor-tation for life, or with imprisonment for 10 years.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, and fine.	[2][Metropoli-tan Magistrate or Magistrate of the first or second class.]
	If punishable with imprison-ment for 1 year and not for 10 years.	Ditto	Ditto	Ditto	Ditto	Imprison-ment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	[3][Metropoli-tan Magistrate or Magistrate] of the first class or Court by which the offence is triable.
213.	Taking gift, etc., to screen an offender from punishment, if the offence be capital.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, and fine.	[1][Metropoli-tan Magistrate or Magistrate of the first class.]

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1 The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
213. contd.	If punishable with *transpor-tation for life or with imprison-ment for 10 years.	May arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 3 years, and fine.	[1][Metropoli-tan Magistrate or Magistrate of the first or second class.]
	If with imprisonment for less than 10 years.	Ditto	Ditto	Ditto	Ditto	Imprison-ment for a quarter of the longest term, and of the description, provided for the offence, or fine or both.	[2][Metropoli-tan Magistrate or Magistrate] of the first class, or Court by which the offence is triable.
214.	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Shall not arrest without warrant.	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, and fine.	[3][Metropoli-tan Magistrate or Magistrate of the first class.]
	If punishable with *transpor-tation for life, or with imprison-ment for 10 years.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, and fine.	[4][Ditto]

[1] The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[2] The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

[3] The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

[4] The word "Ditto" was substituted for the words "Metropolitan Magistrate or Magistrate of the first class" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

* The word “transportation for life” construed as a refernce to “imprisonment for life” by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
214. contd.	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment for a quater of the longest term, and of the description, provided for the offence, or fine, or both.	[1][Metropoli-tan Magistrate or Magistrate] of the first class, or Court by which the offence is triable.
215.	Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender.	May arrest without warrant.	Ditto	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	[2][Any Judicial Magistrate]
216.	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years and fine.	[3][Metropoli-tan Magistrate or Magistrate of the first class.]

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1 The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
216. contd.	If punishable with *transpor-tation for life, or with imprisonment for 10 years.	May arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 3 years, with or without fine.	[1][Metropoli-tan Magistrate or Magistrate of the first class.]
	If with imprisonment for 1 year and not for 10 years.	Ditto	Ditto	Ditto	Ditto	Imprison-ment for a quater of the longest term, and of the description, provided for the offence, or fine, or both.	[2][Metropoli-tan Magistrate or Magistrate] of the first class, or Court by which the offence is triable.
216A.	Harbouring robbers or dacoits.	Ditto	Ditto	Ditto	Ditto	Rigorous imprison-ment for 7 years and fine.	[1][Metropoli-tan Magistrate or Magistrate of the first class.]
217.	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	[3][Any Judicial Magistrate]

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1 The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

2 The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

3 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
218.	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 3 years, with or without fine.	[1][Metropoli-tan Magistrate or Magistrate of the first or second class.]
219.	Public servant in a judicial proceeding corruptly making an pronouncing and order report, verdict or decision which he knows to be contrary to law.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, or fine, or both.	[2][Metropoli-tan Magistrate or Magistrate of the first class.]
220.	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto	Ditto	Ditto	Ditto	Ditto	[2][Metropoli-tan Magistrate or Magistrate of the first class.]
221.	Intentional omission to apprehend on the part of a public servant bound by law to apprehend and offender, if the offence be capital.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, with or without fine.	[3][Metropoli-tan Magistrate or Magistrate of the first class.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the words "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
221. contd.	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprisonment of either description for 3 years, with or without fine.	[1][Metropoli-tan Magistrate or Magistrate of the first or second class.]
	If with imprisonment for less than 10 years.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, with or without fine.	[2][Any Judicial Magistrate]
222.	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice if under sentence of death.	Ditto	Ditto	Not bailable	Ditto	Transpor-tation for life, or imprison-ment of either description for 14 years, with or without fine.	[3][[4][Chief Metropolitan Magistrate,] [5][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
	If under sentence of transportation, or transportation, imprisonment for 10 years or upwards.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, with or without fine.	[6][Metropolitan Magistrate or Magistrate of the first class.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry "District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session, Metropolitan Magistrate" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

4 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

5 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

6 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
222. contd.	If under sentence of imprisonment for less than 10 years or lawfully committed to custody.	Shall not arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 3 years, or fine, or both.	[1][Metropoli-tan Magistrate or Magistrate of the first or second class.]
223.	Escape from confinement negligently suffered by a public servant.	Ditto	Summons	Ditto	Ditto	Simple imprison-ment for 2 years, or fine, or both.	[2][Any Judicial Magistrate]
224.	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	Ditto
225.	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto	Ditto	Ditto	Ditto	Ditto	[2][Any Judicial Magistrate]
	If charged with an offence punishable with *transportation for life, or imprisonment for 10 years.	Ditto	Ditto	Not bailable	Ditto	Imprison-ment of either description for 3 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first or second class.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
225. contd.	If charged with a capital offence.	May arrest without warrant.	Warrant	Not Bailable	Not com-poundable	Imprison-ment of either description for 7 years, and fine.	[1][Metropoli-tan Magistrate or Magistrate of the first class.]
	If the person is sentence to *transportation for life, or to transportation, or imprisonment for 10 years or upwards.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
	If under sentence of death.	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life, or imprison-ment of either description for 10 years and fine.	[2][[3][Chief Metropolitan Magistrate,] [4][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
225A.	Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for–						

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[1] The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[2] The entry "District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982) section 17.

[3] The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

[4] The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
225A. contd.	(a) in case of intentional omission or sufferance:	Shall not arrest without warrant.	Warrent	Bailable	Not com-poundable	Imprisonment of either description for 3 years, or fine, or both.	[1][Metropolitan Magistrate or Magistrate of the first or second class.]
	(b) in case of negligent omission or sufferance.	Ditto	Summons	Ditto	Ditto	Simple imprison-ment for 2 years, or fine, or both.	[2][Any Judicial Magistrate].
225B.	Resistance or obstruction to lawful apprehensive, or escape or rescue in cases not otherwise provided for.	May arrest without warrant.	Warrant	Ditto	Ditto	Imprison-ment of either description for 6 months, or fine, or both.	Ditto
[3][***]							
227.	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons	Ditto	Ditto	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.

1 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate of Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 Section 226 and The entries of columns 2, 3, 4, 5, 6, 7 and 8 in section 226 were omitted by section 100(a) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
228.	Intentional insult of interruption to a public servant sitting in any stage of a judicial proceeding.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	The Court in which the offence is committed subject to the provisions of Chapter XXXV.
229.	Personation of a Jurer or assessor.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate].
	CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS						
231.	Counterfeiting or performing any part of the process of counterfeiting coin.	May arrest without warrant.	Warrant	Not Bailable	Not compoun-dable	Imprison-ment of either description for 7 years and fine.	[2][Metropolitan Magistrate or Magistrate of the first Class.]
232.	Counterfeiting, or performing any part of the process of counterfeiting Bangladesh coin.	Ditto	Ditto	Ditto	Ditto	*Transporta-tion for life, or imprisonment of either description for 10 years, and fine.	[3][[4][Chief Metropolitan Magistrate,] [5][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry "District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

4 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

5 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
233.	Making, buying or selling instrument for the purpose of counterfeiting coin.	May arrest without warrant.	Warrant	Not bailable	Not com-poundable	Imprison-ment of either description for 3 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first or second class.]
234.	Making, buying or selling instrument for the purpose of counterfeiting Bangladesh coin.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, and fine.	[2][Metropolitan Magistrate or Magistrate of the first Class.]
235.	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first or second class.]
	If Bangladesh coin.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 10 years, and fine.	[3][Court of Session, Chief Metropolitan Magistrate, [4][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The words and comma "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
236.	Abetting in Bangladesh the counterfeiting out of Bangladesh of coin.	May arrest without warrant.	Warrant	Not bailable	Not com-poundable	The punishment provided for abetting the counterfeiting of such coin within Bangladesh.	[1][Court of Session.]
237.	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	[2][Metro-politan Magistrate or Magistrate of the first or second class.]
238.	Import or export of counterfeit of Bangladesh coin, knowing the same to be counterfeit.	Ditto	Ditto	Ditto	Ditto	*Transporta-tion for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239.	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years, and fine.	[3][Metro-politan Magistrate or Magistrate of the first class.]

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1 The entry "Court of Session" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
240.	The same with respect to Bangladesh coin.	May arrest without warrant.	Warrant	Not bailable	Not com-poundable	Imprisonment of either description for 10 years, and fine.	[1][Court of Session, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
241.	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	[3][Any Judicial Magistrate]
242.	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	[4][Metropolitan Magistrate or Magistrate of the first or second class.]

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1 The entry was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words and comma "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

4 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
243.	Possession of Bangladesh coin by a person who knew it to be counterfeit when he became possessed thereof.	May arrest without warrant.	Warrant	Not bailable	Not com-poundable	Imprisonment of either description for 7 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first class.]
244.	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto	Ditto	Ditto	Ditto	Ditto	[2][Metropolitan Magistrate or Magistrate of the first class.]
245.	Unlawfully taking from a Mint any coining instrument.	Ditto	Ditto	Ditto	Ditto	Ditto	[2][Metropolitan Magistrate or Magistrate of the first class.]
246.	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	[3][Metropolitan Magistrate or Magistrate of the first or second class.]
247.	Fraudulently diminishing the weight or altering the composition of Bangladesh coin.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	[4][Metropolitan Magistrate or Magistrate of the first class.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry " Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Metropolitan Magistrate" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
248.	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	May arrest without warrant.	Warrant	Not bailable	Not com-poundable	Imprisonment of either description for 3 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first or second class.]
249.	Altering appearance of Bangladesh coin with intent that it shall pass as a coin of a different description.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	[2][Ditto.]
250.	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years, and fine.	Ditto.
251.	Delivery of Bangladesh coin possessed with the knowledge that it is altered.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	[3][Court of Session, Chief Metropolitan Magistrate, [4][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]

1 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The word "Ditto" was substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

3 The entry was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The words and comma "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
252.	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	May arrest without warrant.	Warrant	Not bailable	Not com-poundable	Imprison-ment of either description for 3 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first class.]
253.	Possession of Bangladesh coin by a person who knew it to be altered when he became possessed thereof.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 5 years, and fine.	[2][Ditto.]
254.	Delivery to an other of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine of ten times the value of the coin.	[3][Any Judicial Magistrate]
255.	Counterfeiting a Government stamp.	Ditto	Ditto	Bailable	Ditto	*Transpor-tation for life, or imprison-ment of either description for 10 years, and fine.	[4][[5][Chief Metropolitan Magistrate,] [6][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]

1 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The word "Ditto" was substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

3 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

4 The entry was substituted for the former entry "Court of Session" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

5 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

6 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
256.	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	May arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 7 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first class.]
257.	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, and fine.	[2][Metropolitan Magistrate or Magistrate of the first class.]
258.	Sale of counterfeit Government stamp.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
259.	Having possession of counterfeit Government stamp.	Ditto	Ditto	Ditto	Ditto	Ditto	[3][Metropolitan Magistrate or Magistrate of the first class.]
260.	Using as genuine a Government stamp known to be counterfeit.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, or fine, or both.	Ditto.

1 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
261.	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	May arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 3 years, or fine, or both.	[1][Ditto.]
262.	Using a Government stamp known to have been before used.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	[2][Any Judicial Magistrate].
263.	Erasure of mark denoting that stamp has been used.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, or fine, or both.	[3][Metropoli-tan Magistrate or Magistrate of the first or second class.]
263A.	Fictitious stamps.	Ditto	Ditto	Ditto	Ditto	Fine of 200 Taka.	[2][Any Judicial Magistrate].

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1 The word "Ditto" was substituted for the words "Metropolitan Magistrate or Magistrate of the first class" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
	CHAPTER XIII.- OFFENCES RELATING TO WEIGHTS AND MEASURES						
264.	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 1 year, or fine, or both.	[1][Any Judicial Magistrate]
265.	Fraudulent use of false weight or measure.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
266.	Being in possession of false weights or measures for fraudulent use.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
267.	Making or selling false weights or measures for fraudulent use.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
	CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS						
269.	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons.	Bailable	Not com-poundable	Imprison-ment of either description for 6 months, or fine, or both.	[1][Any Judicial Magistrate]

1 The words " Any Judicial Magistrate" were substituted for the words " any Magistrate " by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
270.	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate]
271.	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto	Ditto	Ditto	Imprison-ment of either description for 6 months, or fine, or both.	Ditto.
272.	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 6 months, or fine of 1,000 Taka, or both.	Ditto.
273.	Selling any food or drink as food and drink, knowing the same to be noxious.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
274.	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 6 months, or fine of 1,000 Taka, or both.	[1][Any Judicial Magis-trate]
275.	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
276.	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
277.	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 months, or fine of 500 Taka, or both.	[1][Any Judicial Magis-trate]

1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compou-ndable or not.	Punishment under the Penal Code.	By what Court triable.
278.	Making atmosphere noxious to health.	Shall not arrest without warrant.	Summons	Bailable	Not com-pounda ble	Fine of 500 Taka	[1][Any Judicial Magistrate].
279.	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	May arrest without warrant.	Ditto	Ditto	Ditto	[2][Imprison-ment of either description for 3 years, or fine which may, subject to the minimum of 1,000 Taka, extend to 5,000 Taka, or both.]	Ditto.
280.	Navigating any vessel so rashly or negligently as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	[3][Metropolitan Magistrate or Magistrate] of the first or second class.
281.	Exhibition of a false light, mark or buoy.	Ditto	Warrant	Ditto	Ditto	Imprisonment of either description for 7 years, or fine, or both.	[4][Metropolitan Magistrate or Magistrate of the first class.]

1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry was substituted for the former entry "Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both." by section 3 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

3 The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

4 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
282.	Conveying for hire any person by water, in a vessel in such a state, or so loaded as to endanger his life.	May arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 6 months, or fine of 1,000 Taka, or both.	[1][Any Judicial Magistrate].
283.	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto	Ditto	Ditto	Ditto	Fine of 200 Taka.	Ditto.
284.	Dealing with any poisonous substance so as to endanger human life, etc.	Shall not arrest without warrant.	Ditto	Ditto	Ditto	Imprison-ment of either description for 6 months, or fine of 1,000 Taka, or both.	Ditto.
285.	Dealing with fire or any combustible matter so as to endanger human life, etc.	May arrest without warrant.	Ditto	Ditto	Ditto	Ditto	[1][Any Judicial Magistrate].
286.	So dealing with any explosive substance.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
287.	So dealing with any machinery.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 6 months, or fine of 1,000 Taka or both.	[1][Any Judicial Magistrate].
288.	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
289.	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Ditto	Ditto	Ditto	Imprison-ment of either description for 6 months, or fine of 1,000 Taka, or both.	[1][Any Judicial Magistrate].
290.	Committing a public nuisance.	Shall not arrest without warrant.	Ditto	Ditto	Ditto	Fine of 200 Taka	Ditto.

1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
291.	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Summons	Bailable	Not com-poundable	Simple imprison-ment for 6 months, or fine, or both.	[1][Any Judicial Magistrate].
292.	Sale, etc., of obscene books, etc.	Ditto	Warrant	Ditto	Ditto	Imprison-ment of either description for 3 months, or fine, or both.	[2][Metro-politan Magistrate or Magistrate of the first or second class.]
293.	Sale, etc., of obscene objects to young persons.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 6 months, or fine, or both.	[1][Any Judicial Magistrate].
294.	Obscene songs.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 months, or fine, or both.	[1][Any Judicial Magistrate].

1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
294A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 6 months, or fine, or both.	[1][Any Judicial Magistrate].
	Publishing proposals relating to lotteries.	Ditto	Ditto	Ditto	Ditto	Fine of 1,000 Taka	Ditto.
[2][294B.	Offering of prize in connection with trade, etc.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 6 months, or fine, or both.	Ditto.]
	CHAPTER XV.—OFFENCES RELATING TO RELIGION						
295.	Destroying, damaging or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate.]
[3][295A.	Maliciously insulting the religion or the religious beliefs of any class.	Shall not arrest without warrant.	Warrant	Not bailable	Ditto	Ditto	[1][Any Judicial Magistrate].]

1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009), (with effect from 1st November, 2007).

2 Section 294B was inserted by section 3 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

3 This item was inserted by the Criminal Law Amendment Act, 1927 (Act No. XXV of 1927).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
296.	Causing a disturbance to an assembly engaged in religious worship.	May arrest without warrant.	Summons	Bailable	Not com-poundable	Imprison-ment of either description for one year, or fine, or both.	[1][Any Judicial Magistrate]
297.	Trespassing in place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto	Ditto	Ditto	Ditto	Ditto	[1][Any Judicial Magistrate]
298.	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto	Ditto	Compound-able	Ditto	Ditto

1 The words " Any Judicial Magistrate" were substituted for the words " Any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	CHAPTER XVI.- OFFENCE AFFECTING THE HUMAN BODY- ***Of Offences Affecting Life***						
302.	Murder	May arrest without warrant.	Warrant	Not bailable	Not com-poundable	Death, or *transportation for life, and fine.	Court of Session.
303.	Murder by a person under sentence of *transportation for life.	Ditto	Ditto	Ditto	Ditto	Death	Ditto.
304.	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, etc.	Ditto	Ditto	Ditto	Ditto	*Transporta-tion for life, or imprisonment of either description for 10 years, and fine.	Ditto
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, or fine, or both.	Ditto
304A.	Causing death by rash or negligent act.	Ditto	Ditto	Bailable	Ditto	Imprisonment of either description for [1][5] years, or fine, or both.	[2][Ditto.]

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1 The figure "5" was substituted for the figure "2" by section 34 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

2 The entry "Ditto" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
[1][304B.	Causing death by rash driving or riding on a public way.	May arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprisonment of either description for [2][3 years], or fine, or both.	[3][Metropoli-tan Magistrate or Magistrate of the first class.]]
305.	Abetment of suicide committed by a child, or insane or delirious person or an idiot, or a person intoxicated.	Ditto	Ditto	Not bailable	Ditto	Death, or transportation for life, or imprisonment for 10 years, and fine.	Court of Session.
306.	Abetting the commission of suicide.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	[4][Court of Session, Chief Metropolitan Magistrate, [5][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]

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1 Section 304B was inserted by section 3 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

2 The entry "3 years" was substituted for the former entry "7 years" by section 2 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1985 (Ordinance No. XLIX of 1985).

3 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Ditto" by section 2 of the Code of Criminal Procedure (Amendment) Ordinance, 1984 (Ordinance No. XXII of 1984).

4 The entry was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

5 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
307.	Attempt to murder.	May arrest without warrant.	Warrant	Not bailable	Not com-poundable	Imprisonment of either description for 10 years, and fine.	[1][Court of Session, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
	If such act cause hurt to any person.	Ditto	Ditto	Ditto	Ditto	*Transporta-tion for life, or as above.	[3][[4][Chief Metropolitan Magistrate,] [5][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
	Attempt by life convict to	Ditto	Ditto	Ditto	Ditto	Death or as above.	[6][Court of Session.]

1 The entry was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry was substituted for the former entry "Court of Session" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

4 The entry was inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

5 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

6 The entry "Court of Session" was substituted for the former entry "Ditto" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	murder, if hurt is caused.						
308.	Attempt to commit culpable homicide.	May arrest without warrant.	Warrant	Bailable	Not compound-able	Imprisonment of either description for 3 years, or fine, or both.	[1][Metropolitan Magistrate or Magistrate of the first or second class.]
	If such act cause hurt to any person.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, or fine, or both.	[2][Court of Session, Chief Metropolitan Magistrate, [3][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
309.	Attempt to commit suicide.	May arrest without warrant.	Warrant	Bailable	Not com-poundable	Simple imprisonment for one year, or fine, or both.	[4][Metropolitan Magistrate or Magistrate of the first or second class.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

4 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
311.	Being a thug	May arrest without warrant.	Warrant	Not Bailable	Not compound-able	*Transporta-tion for life, and fine.	[1][2][Chief Metropolitan Magistrate,] [3][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
	Of the Causing of Miscarriage; of Injuries to Unborn children; of the Exposure of Infants; and of the Concealment of births						
312.	Causing miscarriage.	Shall not arrest without warrant.	Warrant	Bailable	Not compoun-dable	Imprisonment of either description for 3 years, or fine, or both.	[4][Metropolitan Magistrate or Magistrate of the first or second class.]

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1 The entry "District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

2 The entry "Chief Metropolitan Magistrate," was inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

3 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

4 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
312. contd.	If the woman be quick with child.	Shall not arrest without warrant.	Warrant	Bailable	Not com-poundable.	Imprison-ment of either description for 7 years, and fine.	[1][Court of Session, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
313.	Causing miscarriage without woman's consent.	Ditto	Ditto	Not bailable	Ditto	*Transpor-tation for life, or imprisonment of either description for 10 years, and fine.	[3][Court of Session.]
314.	Death caused by an act done with intent to cause miscarriage.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 10 years, and fine.	[1][Court of Session, Chief Metropolitan Magistrate, [4][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]

1 The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry "Court of Session" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
314. contd.	If act done without Woman's consent.	Shall not arrest without warrant.	Warrant	Not bailable	Not com-poundable	*Transpor-tation for life, or as above.	[1][Court of Session.]
315.	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 10 years, or fine, or both.	[2][Court of Session, Chief Metropolitan Magistrate, [3][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
316.	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 10 years, and fine.	Ditto.

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1 The entry "Court of Session" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
317.	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 7 years, or fine, or both.	[1][Metropolitan Magistrate or Magistrate of the first class.]
318.	Concealment of birth by secret disposal of dead body.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	[2][Any Judicial Magistrate]
	Of Hurt						
323.	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons	Bailable	Compoun-dable	Imprison-ment of either description for 1 year or fine of 1,000 Taka or both.	[2][Any Judicial Magistrate].
324.	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto	Ditto	Compoun-dable when permission is given by the Court before which a prosecution is pending.	Imprison-ment of either description for 3 years, or fine, or both.	[3][Metropolitan Magistrate or Magistrate of the first or second class.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Any Judicial Magistrate" were substituted for the words "Any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
325.	Voluntarily causing grievous hurt.	May arrest without warrant.	[1][Warrant]	Bailable	Compoun-dable when permission is given by the Court before which a prosecution is pending.	Imprison-ment of either description for 7 years, and fine.	[2][Metropolitan Magistrate or Magistrate of the first class.]
326.	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto	Ditto	Not bailable	Not compoun-dable	✶Transpor-tation for life, or imprison-ment of either description for 10 years, and fine.	[3][[4][Chief Metropolitan Magistrate,] [5][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
[6][326A.	Voluntarily causing grievous hurt in respect of both eyes, head or face by means of corrosive substance, etc.	Ditto	Warrant	Ditto	Ditto	Death or ✶transpor-tation for life, and fine.	Court of Session].

1 The word "Warrant" was substituted for the word "Summons" by section 28(c) of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026). (With effect from 10th August 2025)

2 The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Sessions" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

3 The entry "District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

4 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

5 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

6 The entry "section 326A" was inserted by section 3 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1984 (Ordinance No. LXX of 1984).

✶ The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
327.	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	May arrest without warrant.	Warrant	Not bailable	Not com-poundable	Imprisonment of either description for 10 years, and fine.	[1][Court of Session, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
328.	Administering stupefying drug with intent to cause hurt, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	[1][Court of Session, Chief Metropolitan Magistrate, [3][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
329.	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.	Ditto	Ditto	Ditto	Ditto	*Transporta-tion for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

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1 The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
330.	Voluntarily causing hurt to extort confession or information or to compel restoration of property, etc.	May arrest without warrant.	Warrant	Bailable	Not com-poundable	Imprison-ment of either description for 7 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first class.]
331.	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	Ditto	Ditto	Not bailable	Ditto	Imprison-ment of either description for 10 years, and fine.	[2][Court of Session, Chief Metropolitan Magistrate, [3][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
332.	Voluntarily causing hurt to deter public servant from his duty.	Ditto	Ditto	Bailable	Ditto	Imprison-ment of either description for 3 years, or fine, or both.	[4][Metropolitan Magistrate or Magistrate of the first or second class.]
333.	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto	Ditto	Not bailable	Ditto	Imprisonment of either description for 10 years, and fine.	[5][Court of Session, Chief Metropolitan Magistrate, [6][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]

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1 The entry "Metropolitan Magistrate of Magistrate of the first class" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

4 The entry was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first or second class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

5 The entry was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

6 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b) (iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
334.	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons	Bailable	Compoundable	Imprison-ment of either description for 1 month, or fine of 500 Taka or both.	[1][Any Judicial Magis-trate].
335.	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Ditto	Ditto	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprison-ment of either description for 4 years, or fine of 2,000 Taka or both.	[2][Metropo-litan Magis-trate or Magis-trate of the first class.]
336.	Doing any act which endangers human life or the personal safety of others.	Ditto	Ditto	Ditto	[3][Compoun-dable when permission is given by the Court before which the prosecution is pending.]	Imprison-ment of either description for 3 months, or fine of 250 Taka or both.	[1][Any Judicial Magis-trate].
337.	Causing hurt by an act which endangers human life, etc.	Ditto	Ditto	Ditto	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprison-ment of either description for 6 months, or fine of 500 Taka or both.	[1][Any Judicial Magis-trate].

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry "Compoundable when permission is given by the Court before which the prosecution is pending" was substituted for the former entry "Not Compoundable" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
338.	Causing grievous hurt by an act which endangers human life, etc.	May arrest without warrant.	Summons	Bailable	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 2 years, or fine of [1][5,000 Taka] or both.	[2][Any Judicial Magistrate].
[3][338A	Causing grievous hurt by rash driving or riding on a public way.	Ditto	Warrant	[4][Ditto.]	Not compoundable	Imprisonment of either description for [5][2 years], or fine, or both.	[6][Metropoli-tan Magistrate or Magistrate of the first class.]]
341.	Wrongfully restraining any person.	Ditto	Summons	Ditto	Compoundable	Simple imprisonment for 1 month, or fine of 500 Taka, or both.	[2][Any Judicial Magis-trate].
342.	Wrongfully confining any person.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine of 1,000 Taka, or both.	[2][Any Judicial Magis-trate].
343.	Wrongfully confining for three or more days.	Ditto	Ditto	Ditto	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

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1 The figure and word "5,000 Taka" were substituted for the figure and word "1,000 Taka" by section 34 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry 338A. was inserted by section 34 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

4 The word "Ditto" was substituted for the words "Not bailable" by section 2 of the Code of Criminal Procedure (Amendment) Ordinance, 1984 (Ordinance No. XXII of 1984).

5 The figure and word "2 years" were substituted for the former figure and word "5 years" by section 2 of the Code of Criminal Procedure (Amendment) Ordinance, 1985 (Ordinance No. XLIX of 1985).

6 The entry was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
	Of Wrongful Restraint and Wrongful Confinement						
344.	Wrongfully confining for 10 or more days.	May arrest without warrant.	Summons	Bailable	[1][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 3 years, and fine.	[2][Metro-politan Magistrate or Magistrate of the first or second class.]
345.	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto	Ditto	[3][Not compound-able.]	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	[4][Any Judicial Magistrate]
346.	Wrongful confinement in secret.	May arrest without warrant.	Ditto	Ditto	Compound-able when permission is given by the Court before which the prosecution is pending.	Ditto	Ditto
347.	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	Ditto	Ditto	Ditto	[5][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 3 years, and fine.	[2][Metro-politan Magistrate or Magistrate of the first or second class.]

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1 The entry was substituted for the former entry by Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry was substituted for the former entry by the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978), Schedule.

4 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

5 The entry was substituted for the former entry "Not compoundable" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
348.	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	May arrest without warrant.	Summons	Bailable	[1][Compoun-dable when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 3 years, and fine.	[2][Metropoli-tan Magistrate or Magistrate of the first or second class.]
	Of Criminal Force and Assault						
352.	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons	Bailable	Compoundable	Imprisonment of either description for 3 months, or fine of 500 Taka, or both.	[3][Any Judicial Magistrate].
353.	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant.	[4][Not bailable.]	Not compoundable	Imprisonment of either description for [5][3] years, or fine, or both.	[6][Metro-politan Magistrate or Magistrate] of the first or second class.

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1 The entry was substituted for the former entry "Not compoundable" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate of Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

4 The entry was substituted for the former entry "Bailable" by section 3 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

5 The figure "3" was substituted for the figure "2" by section 3 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

6 The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
354.	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto	Ditto	[1][Bailable]	[2][Compoun-dable when permission is given by the Court before which the prosecution is pending.]	[3][Imprison-ment of either description for 2 years, or fine, or both.]	[4][Metropolitan Magistrate or Magistrate] of the first or second class.
355.	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons	Bailable	Compound-able.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
356.	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant.	Not bailable.	[5][Compoun-dable when permission is given by the Court before which the prosecution is pending.]	Ditto	[6][Any Judicial Magistrate].
357.	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto	Ditto	Bailable	[5][Compounda-ble when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 1 year, or fine of 1,000 Taka, or both.	Ditto.
358.	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons	Bailable	Compoundable	Simple imprisonment for 1 month, or fine of 200 Taka, or both.	[6][Any Judicial Magistrate]

1 The entry "Bailable" was substituted for the former entry "Ditto" by section 3 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

2 The entry was substituted for the former entry "Not compoundable" by Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

3 The entry was substituted for the former entry "Ditto" by section 3 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

4 The words "Metropolitan Magistrate or Magistrate" were substituted for the word "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

5 The entry was substituted for the former entry "Not compoundable" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

6 The words "Any Judicial Magistrate" were substituted for the words "Any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	Of Kidnapping, Abduction, Slavery and Forced Labour.						
363.	Kidnapping	May arrest without warrant.	Warrant	Bailable	Not compoun-dable	Imprisonment of either description for 7 years and fine.	[1][Metro-politan Magistrate or Magistrate of the first class.]
364.	Kidnapping or abducting in order to murder.	Ditto	Ditto	Not bailable	Ditto	*Transporta-tion for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
[2][364A	Kidnapping or abducting a person under the age of ten.	Ditto	Ditto	Ditto	Ditto	Death, *transporta-tion for life, or rigorous imprisonment for 14 years, but not less than 7 years.	Ditto.]
365.	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	[1][Metro-politan Magistrate or Magistrate of the first class.]

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[1] The entry "Metropolitan Magistrate or Magistrate of the first class" were substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[2] Section 364A. was inserted by section 3 of the Code of Criminal Procedure (Amendment) Ordinance, 1982 (Ordinance No. IX of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
366.	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc.	May arrest without warrant.	Warrant	Not bailable	Not compoun-dable	Imprisonment of either description for 10 years and fine.	[1][Court of Session, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
[3][366A.	Procuration of minor girl.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	[1][Court of Session, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
366B.	Importation of girl from foreign country.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.]

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1 The entry " Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 Items 366A and 366B were inserted by section 4 of the Indian Penal Code (Amendment) Act, 1923 (Act No. XX of 1923).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
367.	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	May arrest without warrant.	Warrant	Not bailable	Not compoun-dable	Imprisonment of either description for 10 years and fine.	Court of Session, Chief Metropolitan Magistrate, [1][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.
368.	Concealing or keeping in confinement a kidnapped person.	Ditto	Ditto	Ditto	Ditto	Punishment for kidnapping or abduction.	[2][Court of Session, Chief Metropolitan Magistrate, [1][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
369.	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	[3][Metropolitan Magistrate or Magistrate of the first class.]

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[1] The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[2] The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[3] The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
370.	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Warrant	Bailable	Not compoun-dable	Imprisonment of either description for 7 years and fine.	[1][Metropolitan Magistrate or Magistrate of the first class.]
371.	Habitual dealing in slaves.	May arrest without warrant.	Ditto	Not bailable	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	[2][Court of Session, Chief Metropolitan Magistrate, [3][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
372.	Selling or letting to hire a minor for purposes of prostitution, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	[4][Court of Session, Chief Metropolitan Magistrate, [3][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

4 The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
373.	Buying or obtaining possession of a minor for the same purposes.	May arrest without warrant	Warrant	Not bailable	Not compoun-dable	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, [1][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.
374.	Unlawful compulsory labour.	Shall not arrest without warrant	Ditto	Bailable	Compoun-dable	Imprisonment of either description for 1 year, or fine, or both.	[2][Any Judicial Magistrate].
	Of Rape						
376.	Rape.						
	If the sexual intercourse was by a man with his own wife not being under 12 years of age.	Shall not arrest without warrant.	Summons	Bailable	Not compoun-dable	Imprisonment of either description for 2 years, or fine, or both.	[3][Chief Metropolitan Magistrate or [4][Chief Judicial Magistrate]].

[1] The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate " were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[2] The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[3] The entry "Chief Metropolitan Magistrate or District Magistrate" was substituted for the former entry by section 2 of the Code of Criminal Procedure (Amendment) Ordinance, 1980 (Ordinance No. IV of 1980).

[4] The words '"Chief Judicial Magistrate" were substituted for the words "District Magistrate" by section 100(b)(ii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
376. contd.	If the sexual intercourse was by a man with his own wife being under 12 years of age.	Shall not arrest without warrant.	Summons	Bailable	Not compoun-dable	*Transporta-tion for life, or imprisonment of either description for 10 years, and fine.	[1][2][Chief Metropolitan Magistrate,] [3][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
	In any other case	May arrest without warrant.	Warrant	Not bailable	Ditto	Ditto	[1][2][Chief Metropolitan Magistrate,] [3][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
			Of Unnatural Offences				
377.	Unnatural offences.	May arrest without warrant.	Warrant	Not bailable	Not Compoun-dable	*Transporta-tion for life, or imprisonment of either description for 10 years, and fine.	[1][2][Chief Metropolitan Magistrate,] [3][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]

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1 The entry "District Magistrate or Additional District Magistrate especially empowered by the Government in that behalf" was substituted for the former entry "Court of Session, Metropolitan Magistrate" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

2 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

3 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	CHAPTER XVII.- OFFENCES AGAINST PROPERTY *(Of Theft)*						
379.	Theft	May arrest without warrant.	Warrant	Not bailable	[1][Compoun-dable when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 3 years, or fine, or both.	[2][Any Judicial Magistrate].
380.	Theft in a building, tent or vessel.	Ditto	Ditto	Ditto	[3][Compoun-dable when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 7 years, and fine.	[2][Any Judicial Magistrate].
381.	Theft by clerk or servant of property in possession of master or employer.	Ditto	Ditto	Ditto	[4][Compoun-dable when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 7 years, and fine.	[5][Metropolitan Magistrate or Magistrate of the first class.]

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1 The entry "Compoundable when permission is given by the Court before which the prosecution is pending" was substituted for the former entry by Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry "Compoundable when permission is given by the Court before which the prosecution is pending" was substituted for the former entry "Not Compoundable" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The entry "Compoundable when permission is given by the Court before which the prosecution is pending" was substituted for the former entry by Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

5 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
382.	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft, or to retiring after committing it, or to retaining property taken by it.	May arrest without warrant	Warrant	Not bailable	Not compoun-dable	Rigorous imprisonment for 10 years, and fine.	[1][Court of Session.]
	Of Extortion						
384.	Extortion	Shall not arrest without warrant.	Warrant	Bailable	Not compoun-dable	Imprisonment of either description for 3 years, or fine, or both.	[2][Metropolitan Magistrate or Magistrate of the first or second class.]
385.	Putting or attempting to put in fear of injury, in order to commit extortion.	[3][May arrest without warrant]	Ditto	[4][Not bailable	Ditto	Imprisonment of either description for 14 years, but not less than 5 years.	Court of Session].

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1 The entry "Court of Session" was substituted for the former entry by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry "May arrest without warrant " was substituted for the former entry "Ditto" by section 9 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991).

4 The entry was substituted for column 5, 6, 7 and 8 by section 4 of the Code of Criminal Procedure (Amendment) Act, 2000 (Act No. XLI of 2000).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
386.	Extortion by putting a person in fear of death or grievous hurt.	[1][Shall not arrest without warrant.]	Warrant	Not bailable	Not compound-able	Imprisonment of either description for 10 years, and fine.	[2][Court of Session, Chief Metropolitan Magistrate, [3][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
387.	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.	[1][May arrest without warrant]	Ditto	Ditto	Ditto	[4][Imprisonment for life but not less than 7 years.	Court of Session.]
388.	Extortion by threat of accusation of an offence punishable with death, *transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Ditto	Bailable	Ditto	Imprisonment of either description for 10 years, and fine.	[5][Court of Session, Chief Metropolitan Magistrate, [3][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]

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1 The entry "Shall not arrest without warrant" was substituted for the former entry "Ditto" by section 9 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991).

2 The entry was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

4 The entry was substituted for column 7 and 8 by section 4 of the Code of Criminal Procedure (Amendment) Act, 2000 (Act No. XLI of 2000).

5 The entry was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
388. contd.	If the offence threatened be an unnatural offence.	Shall not arrest without warrant	Warrant	Bailable	Not compoun-dable	*Transpor-tation for life.	[1][[2][Chief Metropolitan Magistrate,] [3][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
389.	Putting a person in fear of accusation of offence punishable with death, *transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 10 years, and fine.	[4][Court of Session, Chief Metropolitan Magistrate, [5][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
	If the offence be an unnatural offence.	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life.	[1][[2][Chief Metropolitan Magistrate,] [3][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]

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[1] The entry was substituted for the former entry by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

[2] The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

[3] The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[4] The entry was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[5] The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	Of Robbery and Dacoity						
392.	Robbery	May arrest without warrant	Warrant	Not bailable	Not compoun-dable	Rigorous imprison-ment for 10 years, and fine.	[1][Court of Sessions, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
	If committed on the highway between sunset and sunrise.	Ditto	Ditto	Ditto	Ditto	Rigorous imprisonment for 14 years, and fine.	[3][Court of Session.]
393.	Attempt to commit robbery.	Ditto	Ditto	Ditto	Ditto	Rigorous imprison-ment for 7 years, and fine.	[4][Metropolitan Magistrate or Magistrate of the first class.]

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1 The entry was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) section 100(b)(iii) (with effect from 1st November, 2007).

3 The entry "Court of Session" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
394.	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	May arrest without warrant.	Warrant	Not bailable	Not compound-able	*Transpor-tation for life, or rigorous imprisonment for 10 years and fine.	[1][Court of Session.]
395.	Dacoity	Ditto	Ditto	Ditto	Ditto	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
396.	Murder in dacoity	Ditto	Ditto	Ditto	Ditto	Death, *transpor-tation for life, or rigorous imprisonment for 10 years, and fine.	Ditto
397.	Robbery or dacoity, with attempt to cause death or grievous hurt.	Ditto	Ditto	Ditto	Ditto	Rigorous imprisonment for not less than 7 years.	[2][Court of Session.]
398.	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto	Ditto	Ditto	Ditto	Rigorous imprisonment for not less than 7 years	Court of Session.

[1] The entry "Court of Session" was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[2] The entry "Court of Session" was substituted for the former entry by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
399.	Making preparation to commit dacoity.	May arrest without warrant.	Warrant	Not bailable	Not compound-able	Rigorous imprison-ment for 10 years, and fine.	[1][Court of Sessions, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
400.	Belonging to a gang of persons associated for the purpose of habitually committing dacoity	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life, or rigorous imprison-ment for 10 years, and fine.	Court of Sessions.
401.	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto	Ditto	Ditto	Ditto	Rigorous imprison-ment for 7 years and fine.	[3][Metropolitan Magistrate or Magistrate of the first class.]

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[1] The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[2] The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[3] The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
402.	Being one of five or more persons assembled for the purpose of committing dacoity.	May arrest without warrant.	Warrant	Not bailable	Not compound-able	Rigorous imprison-ment for 7 years and fine.	[1][Metropolitan Magistrate or Magistrate of the first class.]
	Of Criminal Misappropriation of Property						
403.	Dishonest misappropriation of movable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant	Bailable	Compound-able when permission is given by the Court before which the prosecution is pending.	Imprison-ment of either descrip-tion for 2 years, or fine, or both.	[2][Any Judicial Magistrate]
404.	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto	Ditto	Ditto	Not compound-able.	Imprison-ment of either descrip-tion for 3 years, and fine.	[3][Metropolitan Magistrate or Magistrate of the first class.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
[1][***]	If by clerk or person employed by deceased.	Shall not arrest without warrant	Warrant	Bailable	Not compoun-dable	Imprison-ment of either descrip-tion for 7 years, and fine.	[2][Metropolitan Magistrate or Magistrate of the first class.]
	Of Criminal Breach of Trust						
406.	Criminal breach of trust.	May arrest without warrant.	Warrant.	Not bailable.	[3][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprison-ment of either descrip-tion for 3 years, or fine, or both.	[4][Metropolitan Magistrate or Magistrate of the first or second class.]
407.	Criminal breach of trust by a carrier, wharfinger, etc.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either descrip-tion for 7 years, and fine.	[5][Metropolitan Magistrate or Magistrate of the first class.]
408.	Criminal breach of trust by a clerk or servant.	Ditto	Ditto	Ditto	Ditto	Ditto	[6][Ditto.]

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1 The figure 405 was repealed by the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923).

2 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry "Compoundable when permission is given by the Court before which the prosecution is pending" was substituted for the former entry "Not compoundable" by Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

4 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

5 The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

6 The word "Ditto" was substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
409.	Criminal breach of trust by public servant or by banker, merchant or agent, etc.	May arrest without warrant.	Warrant	Not bailable	[1][Not compoun-dable.]	*Transporta-tion for life or imprison-ment of either description for 10 years, and fine.	[2][Court of Session.]
	Of the Receiving of Stolen Property						
411.	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant	Not bailable	[3][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprison-ment of either description for 3 years, or fine, or both.	[4][Metropolitan Magistrate or Magistrate of the first or second class.]
412.	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto	Ditto	Ditto	Not compound-able	*Transporta-tion for life, or rigorous imprison-ment for 10 years, and fine.	[5][6][Chief Metropolitan Magistrate,] [7][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]

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1 The words "Not compoundable" were substituted for the words by Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

2 The entry "Court of Session" was substituted for the former entry by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980).

3 The entry was substituted for the former entry "Not compoundable" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

4 The words "Metropolitan Magistrate or Magistrate of the first or second class" were substituted for the words "Metropolitan Magistrate or Magistrate of the fist class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

5 The entry was substituted for the former entry by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

6 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

7 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
413.	Habitually dealing in stolen property.	May arrest without warrant.	Warrant	Not bailable	Not compoun-dable.	*Transporta-tion for life or imprisonment of either description for 10 years, and fine.	[1][[2][Chief Metropolitan Magistrate,] [3][Chief Judicial Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
414.	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto	Ditto	Ditto	[4][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprison-ment of either description for 3 years, or fine, or both.	[5][Metropolitan Magistrate or Magistrate of the first or second class.]
	Of Cheating						
417.	Cheating	Shall not arrest without warrant.	Warrant.	Bailable	Compound-able when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 1 year, or fine or both.	[6][Metropolitan Magistrate or Magistrate] of the first or second class.

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1 The entry was substituted for the former entry by section 17of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

2 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

3 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

4 The entry was substituted for the former entry "Not compoundable" by Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

5 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

6 The entry "Metropolitan Magistrate or Magistrate" was substituted for the former entry "Magistrate" by Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
418.	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Shall not arrest without warrant.	Warrant	Bailable	Compound-able when permission is given by the Court before which the prosecution is pending.	Imprison-ment of either description for 3 years, or fine, or both.	[1][Metropolitan Magistrate or Magistrate of the first or second class.]
419.	Cheating by personation.	May arrest without warrant.	Ditto	Ditto	Compound-able when permission is given by the Court before which the prosecution is pending.	Imprison-ment of either description for 3 years, or fine, or both.	[1][Metropolitan Magistrate or Magistrate of the first or second class.]
420.	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	Ditto	Ditto	Ditto	Compound-able when permission is given by the Court before which the prosecution is pending.	Imprison-ment of either description for 7 years, and fine.	[2][Metropolitan Magistrate or Magistrate of the first class.]

[1] The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[2] The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	Of Fraudulent Deeds and Disposition of Property						
421.	Fraudulent removal of concealment of property, etc., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant	Bailable	[1][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprison-ment of either description for 2 years, or fine, or both.	[2][Any Judicial Magistrate].
422.	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
423.	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
424.	Fraudulent removal or concealment of property, of himself, or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

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1 The words "Compoundable when permission is given by the Court before which the prosecution is pending" were substituted for the words "Not compoundable" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	Of Mischief						
426.	Mischief	Shall not arrest without warrant.	Summons	Bailable	Compound-able when the only loss or damage caused is loss or damage to a private person.	Imprison-ment of either description for 3 months, or fine, or both.	[1][Any Judicial Magistrate].
427.	Mischief, and thereby causing damage to the amount of 50 Taka or upwards.	Ditto	Warrant	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate].
428.	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 Taka or upwards.	May arrest without warrant	Ditto	Ditto	[2][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprison-ment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate].
429.	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, etc., whatever may be its value or any other animal of the value of 50 Taka or upwards.	Ditto	Ditto	Ditto	[2][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprison-ment of either description for 5 years, or fine, or both.	[3][Metropolitan Magistrate or Magistrate of the first class.]

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Compoundable when permission is given by the Court before which the prosecution is pending" was substituted for the former entry "Not compoundable" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

3 The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
430.	Mischief by causing diminution of supply of water for agricultural purposes, etc.	May arrest without warrant	Warrant	Bailable	Compound-able when permission is given by the Court before which the prosecution is pending.	Imprison-ment of either description for 5 years, or fine or both.	[1][Metropolitan Magistrate or Magistrate of the first class.]
431.	Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impossible or less safe for traveling or conveying property.	Ditto	Ditto	Ditto	Not compound-able	Ditto	Ditto.
432.	Mischief by causing inundation or obstruction to public drainage, attended with damage.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
433.	Mischief by destroying or moving or rendering less useful a lighthouse or sea-mark, or by exhibiting false lights.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, or fine, or both.	[2][Metropolitan Magistrate or Magistrate of the first class.]

[1] The words "Metropolitan Magistrate or Magistrate of the first class" were substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

[2] The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
434.	Mischief by destroying or moving, etc., a landmark fixed by public authority.	Shall not arrest without warrant.	Warrant	Bailable	Not compound-able	Imprisonment of either description for 1 year, or fine, or both.	[1][Any Judicial Magistrate]
435.	Mischief by fire or explosive substance with intent to cause damage to amount of 100 Taka or upwards, or, incase of agricultural produce, 10 Taka or upwards.	May arrest without warrant.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	[2][Metropolitan Magistrate or Magistrate of the first class.]
436.	Mischief by fire or explosive substance with intent to destroy, a house, etc.	Ditto	Ditto	Not bailable.	Ditto	*Transporta-tion for life, or imprisonment of their description for 10 years, and fine.	[3][[4][Chief Metropolitan Magistrate,] [5][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry was substituted for the former entry by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

4 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

5 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
437.	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	May arrest without warrant	Warrant	Not bailable	Not compound-able	Imprison-ment of either description for 10 years, and fine.	[1][Court of Sessions, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
438.	The mischief described in the last section when committed by fire or any explosive substance.	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life or imprison-ment of either description for 10 years, and fine.	[3][[4][Chief Metropolitan Magistrate,] [5][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
439.	Running vessel ashore with intent to commit theft, etc.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 10 years, and fine.	[1][Court of Sessions, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]

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[1] The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[2] The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[3] The entry was substituted for the former entry by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

[4] The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

[5] The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
440.	Mischief committed after preparation made for causing death, or hurt, etc.	May arrest without warrant	Warrant	Not bailable	Not compound-able	Imprison-ment of either description for 5 years, and fine.	[1][Metropoli-tan Magistrate, or Magistrate of the first class.]
	Of Criminal Trespass						
447.	Criminal trespass.	May arrest without warrant.	Summons	Bailable	Compound-able.	Imprison-ment of either description for 3 months, or fine of 500 Taka, or both.	[2][Any Judicial Magistrate]
448.	House-trespass.	Ditto	Warrant	Ditto	Ditto	Imprison-ment of either description for one year, or fine of 1,000 Taka, or both.	Ditto
449.	House-trespass in order to the commi-ssion of an offence punishable with death.	Ditto	Ditto	Not bailable	Not compound-able	*Transpor-tation for life, or rigorous imprison-ment for 10 years, and fine.	Court of Session.

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[1] The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[2] The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
450.	House-trespass in order to the commission of an offence punishable with *transporta-tion for life.	May arrest without warrant	Warrant	Not bailable	Not compound-able	Imprison-ment of either description for 10 years, and fine.	[1][Court of Session, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
451.	House-trespass in order to the commission of an offence punishable with imprison-ment.	Ditto	Ditto	Bailable	Compound-able when permission is given by the Court before which the prosecution is pending.	Imrpsion-ment of either description for 2 years, and fine.	[3][Any Judicial Magistrate].
	If the offence is theft.	May arrest without warrant.	Warrant	Not bailable	Not compound-able	Imprison-ment of either description for 7 years, and fine.	[4][Metropolitan Magistrate or Magistrate of the first class.]
452.	House-trespass, having made preparation for causing hurt, assault, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

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[1] The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

[2] The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[3] The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[4] The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
453.	Lurking house - trespass or house-breaking.	May arrest without warrant	Warrant	Not bailable	Not compound-able	Imprison-ment of either description for 2 years, and fine.	[1][Any Judicial Magistrate]
454.	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, and fine.	[2][Metropolitan Magistrate or Magistrate of the first or second class.]
	If the offence is theft.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 10 years, and fine.	[3][Court of Sessions, Chief Metropolitan Magistrate, [4][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
455	Lurking house - trespass or house-breaking after preparation made for causing hurt, assault, etc.	May arrest without warrant	Warrant	Not bailable	Not compound-able	Imprisonment of either description for 10 years, and fine.	[1][Court of Session, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
456.	Lurking house-trespass or house-breaking by night.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	[3][Metropolitan Magistrate or Magistrate of the first or second class.]
457.	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years, and fine.	[4][Metropolitan Magistrate or Magistrate of the first class.]
	If the offence is theft.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 14 years, and fine.	Ditto.

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1 The entry "Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
458.	Lurking house-trespass or house-breaking by night, after preparation for causing hurt, etc.	May arrest without warrant	Warrant	Not bailable	Not compound-able	Imprison-ment of either description for 14 years, and fine.	[1][Court of Session.]
459.	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life, or imprison-ment of either description for ten years, and fine.	[2][[3][Chief Metropolitan Magistrate,] [4][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
460.	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, etc.	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life, or imprison-ment of either description for 10 years, and fine.	Court of Sessions.

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1 The entry "Court of Session" was substituted for the former entry by section 2 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. IV of 1980).

2 The entry was substituted for the former entry "Court of Session" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

3 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

4 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate"by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
461.	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	May arrest without warrant	Warrant	Bailable	Not compound-able	Imprison-ment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate].
462.	Being entrusted with any close receptacle containing or supposed to contain any property and fraudulently opening the same.	Ditto	Ditto	Bailable	Ditto	Imprison-ment of either description for 3 years, or fine, or both.	[2][Metropolitan Magistrate or Magistrate of the first or second class.]
[3][462A.	Negligent conduct of bank officers and employees.	Ditto	Ditto	Ditto	Ditto	Imprison-ment for two years or fine or both.	Ditto.
462B.	Defrauding banking company.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.]

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 Sections 462A and 462B were inserted by section 9 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	CHAPTER XVIII.- OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS						
465.	Forgery	Shall not arrest without warrant.	Warrant	Bailable	Not compound-able	Imprisonment of either description for 2 years, or fine, or both.	[1][Any Judicial Magistrate].
466.	Forgery of a record of a Court of Justice or of a Register of Births, etc., kept by a public servant.	Ditto	Ditto	Not bailable	Ditto	Imprisonment of either description for 7 years, and fine.	[2][Metropolitan Magistrate or Magistrate of the first class.]
467.	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, etc.	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life, or imprison-ment of either description for 10 years, and fine.	[3][[4][Chief Metropolitan Magistrate,] [5][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
	When the valuable-	May-	Ditto	Ditto	Ditto	Ditto	Ditto.

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

3 The entry was substituted for the former entry "Court of Session" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

4 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

5 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	security is a promissory note of the Government.	arrest without warrant.					
468.	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Warrant	Not bailable	Not compound-able	Imprison-ment of either description for 7 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first class.]
469.	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto	Ditto	Bailable	Ditto	Imprison-ment of either description for 3 years, and fine.	[2][Metropolitan Magistrate or Magistrate of the first or second class.]
471.	Using as genuine a forged document which is known to be forged.	Ditto	Ditto	Ditto	Ditto	Punishment for forgery of such document.	Same Court as that by which the forgery is triable.
	When the forged document is a promissory note of the Government.	May arrest without warrant.	Ditto	Ditto	Ditto	Ditto	Court of Sessions.

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1 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
472.	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable under section 467 of the Penal Code or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.	Shall not arrest without warrant.	Warrant	Bailable	Not compound-able	*Transpor-tation for life, or imprison-ment of either description for 7 years, and fine.	[1][[2][Chief Metropolitan Magistrate,] [3][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
473.	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable otherwise than under section 467 of the Penal Code, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 7 years, and fine.	[4][Metropolitan Magistrate or Magistrate of the first class.]

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1 The entry was substituted for the former entry "Court of Session" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

2 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

3 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

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* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
474.	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 466 of the Penal Code.	Shall not arrest without warrant.	Warrant	Bailable	Not compound-able	Imprison-ment of either description for 7 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first class.]
	If the document is one of the description mentioned in section 467 of the Penal Code.	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life, or imprison-ment of either description for 7 years, and fine.	[2][[3][Chief Metropolitan Magistrate,] [4][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
475.	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Penal Code, or possessing counterfeit marked material.	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life, or imprison-ment of either description for 7 years, and fine.	[2][[3][Chief Metropolitan Magistrate,] [4][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

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3 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

4 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
476.	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant	Not bailable	Not compound-able	Imprison-ment of either description for 7 years, and fine.	[1][Metropolitan Magistrate or Magistrate of the first class.]
477.	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, etc.	Ditto	Ditto	Ditto	Ditto	*Transpor-tation for life, or imprison-ment of either description for 7 years, and fine.	[2][[3][Chief Metropolitan Magistrate,] [4][Chief Judicial Magistrate or Additional Chief Judicial Magistrate] specially empowered by the Government in that behalf.]
477A.	Falsification of accounts.	Ditto	Ditto	Bailable.	Ditto	Imprison-ment of either description for 7 years, or fine, or both.	[1][Metropolitan Magistrate or Magistrate of the first class.]

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1 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The entry was substituted for the former entry "Court of Session" by section 17 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

3 The words and comma "Chief Metropolitan Magistrate," were inserted by section 5 of the Code of Criminal Procedure (Amendment) Ordinance, 1983 (Ordinance No. IV of 1983).

4 The words "Chief Judicial Magistrate or Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate or Additional District Magistrate" by section 100(b)(iv) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	Of Trade and Property Marks						
482.	Using a false trade or property mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant	Bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprison-ment of either description for 1 year, or fine, or both.	[1][Any Judicial Magistrate].
483.	Counterfeiting a trade or property mark used by another, with intent to cause damage or injury.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 2 years, or fine, or both.	Ditto.
484.	Counterfeiting a property mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property.	Ditto	Summons	Ditto	Not compound-able	Imprison-ment of either description for 3 years, and fine.	[2][Metropolitan Magistrate or Magistrate of the first or second class.]
485.	Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trademark.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 3 years, or fine or both.	[2][Metropolitan Magistrate or Magistrate of the first or second class.]

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
486.	Knowingly selling goods marked with a counterfeit property or trade mark.	Shall not arrest without warrant.	Summons	Bailable	Compound-able when permission is given by the Court before which the prosecution is pending.	Imprison-ment of either description for 1 year, or fine, or both.	[1][Any Judicial Magistrate].
487.	Fraudulently making a false make upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, etc.	Ditto	Ditto	Ditto	Not compound-able	Imprison-ment of either description for 3 years, or fine or both.	[2][Metropolitan Magistrate or Magistrate of the first or second class.]
488.	Making use of any such false mark.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	[2][Metropolitan Magistrate or Magistrate of the first or second class.]
489.	Removing, destroying or defacing any property mark with intent to cause injury.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine, or both.	[1][Any Judicial Magistrate].

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Metropolitan Magistrate or Magistrate of the first or second class" was substituted for the former entry "Metropolitan Magistrate or Magistrate of the first class" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	[1][*Of Currency - Notes and Bank- Notes*]						
489A.	Counterfeiting currency-notes or bank-notes.	May arrest without warrant.	Warrant	Not bailable.	Not compound-able	*Transpor-tation for life, or imprison-ment of either description for 10 years, and fine.	Court of Session.
489B.	Using as genuine forged or counterfeit currency-notes or bank-notes.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
489C.	Possession of forged or counterfeit currency-notes or bank-notes.	Ditto	Ditto	Bailable	Ditto	Imprison-ment of either description for 7 years, or fine, or both.	[2][Metropolitan Magistrate or Magistrate of the first class.]
489D.	Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes.	May arrest without warrant.	Warrant	Not bailable	Not compound-able	Transporta-tion for life or imprison-ment of either description for 10 years, and fine.	Court of Session.

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1 Inserted by the Currency Notes Forgery Act, 1899 (Act No. XII of 1899).

2 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry "Ditto" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
	CHAPTER XIX.- CRIMINAL BREACH OF CONTRACTS OF SERVICE						
[1][***	***	***	***	***	***	***	***]
491.	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons	Bailable	Compoundable.	Imprisonment of either description for 3 months, or fine of 200 Taka, or both.	[2][Any Judicial Magistrate].
[1][***	***	***	***	***	***	***	***]
	CHAPTER XX.—OFFENCES RELATING TO MARRIAGE						
493.	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant	Not bailable	[3][Compoundable when permission is given by the Court before which the prosecution is pending.]	Imrprisonment of either description for 10 years, and fine.	[4][Court of Sessions, Chief Metropolitan Magistrate, [5][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
494.	Marrying again during the lifetime of a husband or wife.	Shall not arrest without warrant.	Warrant	Bailable	[3][Compoundable when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 7 years, and fine.	[6][Metropolitan Magistrate or Magistrate of the first class.]

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1 Entries relating to sections 490 and 492 were repealed by section 2 and 2nd Schedule of the Federal Laws (Revision and Declaration) Act, 1951 (Act No. XXVI of 1951).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry was substituted for the former entry "Not compoundable" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The entry was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

5 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

6 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
495.	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Shall not arrest without warrant.	Warrant	Bailable	Not compound-able.	Imprisonment of either description for 10 years, and fine.	[1][Court of Sessions, Chief Metropolitan Magistrate, [2][Chief Judicial Magistrate, Additional Chief Judicial Magistrate] or Magistrate of the first class specially empowered by the Government in that behalf.]
496.	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	[3][Metropolitan Magistrate or Magistrate of the first class.]
497.	Adultery	Shall not arrest without warrant.	Warrant	Bailable	Compound-able	Imprisonment of either description for 5 years, or fine, or both.	[4][Metropolitan Magistrate or Magistrate of the first class.]
498.	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	[5] [Any Judicial Magistrate].

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1 The entry was substituted for the former entry "Court of Session" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

2 The words "Chief Judicial Magistrate, Additional Chief Judicial Magistrate" were substituted for the words "District Magistrate, Additional District Magistrate" by section 100(b)(iii) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The words "Metropolitan Magistrate or Magistrate of the first class" was substituted for the words "Court of Session" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

5 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
	CHAPTER XXI.- DEFAMATION						
500.	Defamation	Shall not arrest without warrant.	[1][Summons]	Bailable	Compound-able.	Simple imprison-ment for 2 years, or fine, or both.	[2][Any Judicial Magistrate].
501.	Printing or engraving matter knowing it to be defamatory.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
502.	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
	CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT [3][PREJUDICIAL ACT AND ANNOYANCE]						
504.	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant	Bailable	Compound-able	Imprison-ment of either description for 2 years, or fine, or both.	[2][Any Judicial Magistrate].
505.	False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace.	Ditto	Ditto	Not bailable	Not compound-able	[4][Imprison-ment for 7 years, or fine, or both.]	[5][Court of Session.]

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1 The entry "Summons" was substituted for the former entry "Warrant" by section 2 of the Code of Criminal Procedure (Amendment) Act, 2011 (Act No.I of 2011).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry "PREJUDICIAL ACT AND ANNOYANCE" was substituted for the former entry "AND ANNOYANCE" by section 9 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991).

4 The entry "Imprisonment for 7 years, or fine, or both" was substituted for the former entry "Ditto" by section 9 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991).

5 The entry "Court of Session" was substituted for the former entry "Any Magistrate" by section 9 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
[1][505A	Prejudicial Act by words, etc.	Shall not arrest without warrant.	Warrant	Not bailable	Not compound-able	Imprison-ment for 7 years, or fine or both.	Court of Sessions.]
506.	Criminal intimidation.	Ditto	Ditto	Bailable	Compound-able	Ditto	[2][Any Judicial Magistrate].
	If threat be to cause death or grievous hurt, etc.	Ditto	Ditto	Ditto	Not compound-able	Imprison-ment of either description for 7 years, or fine, or both.	[3][Metropolitan Magistrate or Magistrate of the first class.]
507.	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto	Ditto	Ditto	Ditto	Imprison-ment of either description for 2 years, in addition to the punishment under above section.	[2][Any Judicial Magistrate].
508.	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto	Ditto	Ditto	Compound-able	Imprison-ment of either description for 1 year, or fine, or both.	[2][Any Judicial Magistrate].

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1 Section 505A in column 1 and entries relating there to in column 2, 3, 4, 5, 7 and 8 were inserted by section 9 of the Code of Criminal Procedure (Amendment) Act, 1991 (Act No. XVI of 1991).

2 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

3 The entry "Metropolitan Magistrate or Magistrate of the first class" was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punishment under the Penal Code.	By what Court triable.
509.	Uttering any word or making any gesture intended to insult the modesty of a woman, etc.	Shall not arrest without warrant.	Warrant	Bailable	Compound-able when permission is given by the Court before which the prosecution is pending.	Simple imprison-ment for 1 year, or fine, or both.	[1][Any Judicial Magistrate]
510.	Appearing in a public place, etc., in a state of intoxication, and causing annoyance to any person.	Ditto	Ditto	Ditto	Not compound-able	Simple imprison-ment for 24 hours, or fine of 10 Taka, or both.	[1][Any Judicial Magistrate]
	CHAPTER XXIII.– ATTEMPTS TO COMMIT OFFENCES						
511.	Attempting to commit offences punishable with *transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	[2][Com-poundable when permission is given by the Court before which the prosecution is pending.]	*Transpor-tation or imprison-ment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence attempted is triable.

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1 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

2 The entry "Compoundable when permission is given by the Court before which the prosecution is pending" was substituted for the former entry by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

* The words "Transportation for life" construed as a reference to "imprisonment for life" by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

[1][OFFENCES AGAINST OTHER LAWS]

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoun-dable or not.	Punish-ment under the Penal Code.	By what Court triable.
	If punishable with death, transportation or imprisonment for [2][more] than [3][five years.]	May arrest without warrant.	Warrant	Not bailable.	Not compound-able.	--	Court of Session.
	If punishable with imprisonment for not less than two years and not more than [3][five years].	Ditto	Ditto	Ditto ... Except in cases under the Arms Act, 1878, section 19, which shall be bailable.	Ditto	--	[4][Metropolitan Magistrate or Magistrate of the first class or second class.]
	If punishable with imprisonment for [5][less] than two years or with fine only.	Shall not arrest without warrant.	Summons	Bailable	Ditto	--	[6][Any Judicial Magistrate].

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1 The entry "OFFENCES AGAINST OTHER LAWS" was substituted for the former entry by Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

2 The word "more" was substituted for the former words "not less" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

3 The words "five years" were substituted for the former words "three years" by section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

4 The entry "Metropolitan Magistrate or Magistrate of the first class or second class" was substituted for the former entry by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980).

5 The word "less" was substituted for the former words "not more" by section 6 of the Code of Criminal Procedure (Second Amendment) Act, 1980 (Act No. XXX of 1980).

6 The words "Any Judicial Magistrate" were substituted for the words "any Magistrate" by section 100(b)(i) of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

[1][SCHEDULE III

(See section 36)

ORDINARY POWERS OF MAGISTRATES

I. Ordinary Powers of a Magistrate of the Third Class

(1) Power to arrest or direct the arrest of and to commit to custody, a person committing an offence in his presence, section 64.

(2) Power to arrest, or direct the arrest in his presence of, an offender, section 65.

(3) Power to issue proclamations in cases judicially before him, section 87.

(4) Power to attach and sell property and to dispose of claims to attached property in cases judicially before him, section 88.

(5) Power to restore attached property section 89.

(6) Power to issue search warrant section 96.

(7) Power to endorse a search warrant and order delivery of thing found section 99.

(8) Power to direct search, in his presence of any place for the search of which he can issue search warrant, section 105.

(9) Power to authorize detention not being detention in the custody of the police of a person during a police investigation section 167.

(10) Power to postpone issue of process and inquiry into case himself section 202.

(11) Power to detain an offender found in Court section 351.

(12) Power to apply to Chief Judicial Magistrate to issue commission for examination of witness, section 506 (2).

(13) Power to recover forfeited bond for appearance before Magistrate's Court, section 514 and to require fresh security, section 514A.

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1 "SCHEDULE III" was substituted by section 101 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

(14) Power to make order as to custody and disposal of property pending inquiry on trial section 516A.

(15) Power to make order as to disposal of property section 517.

(16) Power to sell property of a suspected charater, section 525.

(17) Power to require affidavit in support of application, section 539A.

(18) Power to make local inspection, section 539B.

II. Ordinary Powers of a Magistrate of the Second Class.

(1) The ordinary powers of a Magistrate of the third class.

(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or send for trial section 155.

III. Ordinary powers of a Magistrate of the First Class.

(1) The ordinary Powers of a Magistrate of the second Class.

(2) Power to direct warrent to landholder, farmer etc. section 78.

(3) Power to issue search warrent otherwise than in course of an inquiry section 98.

(4) Power to issue search warrent for discovery of persons wrongfully confined section 100.

(5) Power to discharge sureties section 126.

(6) Power to record statements and confessions during a police investigation section 164.

(7) Power to issue summons or warrants for offences committed beyond local jurisdiction section 186.

(8) Power to send for trial section 205C.

(9) Power to stop proceedings when no complainant section 249.

(10) Power to tender pardon to accomplice during inquiry into case by himself section 337.

(11) Power to take evidence commission section 503.

(12) Power to recover penalty on forfeited bond section 514 and power to require fresh secondly section 514A.

(13) Power to compel restoration of abducted female, section 552.

(14) Power to take cognizance of the offence of rape of a wife by the husband and to send him for trial section 561.

(15) Power to order released convicts to notify residence, section 565.

IV. Ordinary Powers of Chief Judicial Magistrate.

(1) The Ordinary powers of Magistrate of the first Class.

(2) Power to define local areas within which Judicial Magistrate may exercise his powers, section 11(2).

(3) Power to require delivery of letters, telegrams etc., section 95(1).

(4) Power to issue search warrant for documents in custody of postal or telegraph authority section 96 (2).

(5) Power to entertain complaints section 190.

(6) Power to receive police reports section 190.

(7) Power to entertain cases without complaint section 190.

(8) Power to transfer cases to a Subordinate Magistrate, section 192.

(9) Power to order preliminary inquiry by police officers not below the rank of Inspector in certain cases section 196B.

(10) Power to try summarily section 260.

(11) Power to pass sentence on proceedings recorded by a Subordinate Magistrate section 349.

(12) Power to order inquiry into complain dismissed or case of accused discharged, section 436.

(13) Power to issue commission for examination of witness, section 503-506.

(14) Power to revise orders passed under section 514, section 515.

(15) Power to sell property alleged or suspected to have been stolen, etc. section 524.

(16) Power to withdraw cases other than appeals, and to try or refer them for trial section 528.

V. Ordinary Powers of an Executive Magistrate.

(1) Power to arrest, or to direct the arrest of and to commit to custody, a person committing an offence in presence of the Magistrate, section 64.

(2) Power to arrest, or direct the arrest in his presence of a person for whose arrest he can issue warrant, section 65.

(3) Power to endorse a warrant or to order the removal of an accused person arrested under a warrant section 83, 84, 86.

(4) Power to cause search by postal and telegraph authority for documents etc. and to detain them, section 95 (2).

(5) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.

(6) Power to direct search, in his presence of any place for the search of which he can issue search-warrant. section 105.

(7) Power to require security to keep peace. section 107.

(8) Power to require security for good behaviour from vagrants and suspected persons. section 109.

(9) Power to require security for good behaviour. section 110.

(10) Power to discharge sureties. section 126.

(11) Power to command unlawful assembly to disperse. section 127.

(12) Power to use civil force to disperse unlawful assembly; section 128.

(13) Power to require military force to be used to disperse unlawful assembly, section 130.

(14) Power to make orders as to local nuisance, section 133.

(15) Power to issue injunction as immediate measure, in case of public nuisance, section 142.

VI. Ordinary Powers of District Magistrate

(1) The ordinary powers of an Executive Magistrate.

(2) Power to define local areas within which an Executive Magistrate may exercise his powers, section 10 (4).

(3) Power to require delivery of letters, telegrams etc. section 95 (1).

(4) Power to issue search-warrant for documents in custody of postal or telegraph authority, section 96.

(5) Power to require security for good behaviour in case of sedition etc. section 108.

(6) Power to discharge persons bound to keep peace or to be of good behaviour, section 124.

(7) Power to cancel bond for keeping peace, section 125.

(8) Power to order a person not to repeat or continue public nuisance. section 143.

(9) Power to issue order in urgent cases of nuisance or apprehended dangers. section 144.

(10) Power to make orders etc. in possession cases sections 145, 146, 147.

(11) Power to depute an Executive Magistrate to make local inquiry section 148.

(12) Power to hold inquests section 174.

(13) Power to order preliminary inquiry by police officers not below the rank of Sub-Inspector in certain cases, section 196B.

(14) Power to appoint a person to be Public Prosecutor in a particular case, section 492 (2).

(15) Power to issue commission for examination of witness, section 503-506.

(16) Power to revise orders passed under section 514, section 515.

(17) Power to deal with and dispose of certain properties section 518.

(18) Power to withdraw and recall cases, section 528 (2).

(19) Power to compel restoration of abducted female, section 552.]

[1][SCHEDULE IV

(see sections 37 *and* 38*)*

ADDITIONAL POWERS WITH WHICH MAGISTRATES MAY BE INVESTED

I. A Magistrate of the first class may be invested by the Government-

(a) Power to try offence not punishable with death or imprisonment for life or with imprisonment for a term not exceeding ten years section 29C;

(b) Power to try summarily section 260.

II. A Magistrate of the first class by the Chief Judicial Magistrate-

(a) Power to transfer cases. section 192;

(b) Power to pass sentence in proceeding recorded by a Magistrate of the second or third class section 349.

III. A Magistrate of the second class by the Government-

(a) Power to record statements and confession during a police investigation, section 164;

(b) Power to authorize detention of a person in the custody of the police during police investigation, section 167;

(c) Power to take cognizance of offences, section 190.

IV. A Magistrate of the second class by the Chief Judicial Magistrate- Power to take cognizance of offences, section 190 (2).

V. A Magistrate of the third class by Government or Chief Judicial Magistrate- Power to take cognizance of offences, section 190 sub-section (1) clause (a) (b).

VI. An Executive Magistrate by the Government-

(a) Power to issue search-warrant otherwise than in course of inquiry, section 98;

(b) Power to require security for good behaviour in case of seditions, section 108;

(c) Power to make orders prohibiting repetition of nuisance, section 143;

(d) Power to make orders under sections 144, 145 and 147;

(e) Power to held inquests, section 174.

VII. An Executive Magistrate by the District Magistrate -

(a) Power to make orders prohibiting repetition of nuisance, section 143;

(b) Power to hold inquests, section 174.]

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[1] "SCHEDULE IV" was substituted by section 102 of the Code of Criminal Procedure (Amendment) Act, 2009 (Act No. XXXII of 2009) (with effect from 1st November, 2007).

SCHEDULE V

(See sections 555*)*

[1][“MEMORANDUM OF ARREST

(See section 46.4)

1. Name, Father's name, Husband's name (if applicable), address, and age of the arrested person:
2. NID/Passport/ Birth Registration Number of the arrested person (if available):
3. Place of arrest:
4. Date and time of arrest:
5. Reasons for arrest (mention relevant law and section):
6. Name and address of informant/complainant (if applicable):
7. Case/GD number:
8. Memo number and date of warrant of arrest (where applicable):
9 Physical condition of the arrested person at the time of arrest:
10. Cause of injury, if found, on the body of the arrested person:
11. Name of attending registered medical practitioner and certification (attach a copy if the arrested person is injured):
12. Has the family/ relative/friend/neighbour of the arrested person been informed? Yes/No
13. Name and address of relative/friend/neighbour of the arrested person who is informed of the arrest:
14. Contact number of the person informed:
15. Court before which the arrested person is to be produced:
16. Signature or thumb-impression of the arrested person (if not refused):
17. Signature of a family member of the arrested person or a respectable inhabitant of the locality (state reason if not found):

Name, designation, ID number and signature of the arresting officer

[Direction:

This memorandum shall be prepared at the time and place of arrest and shall be forwarded to the Magistrate or Court together with the arrested person. If the arrested person is injured, attach the attending registered medical practitioner's certification and/or release documentation. A copy must be preserved in the case diary for future reference.”]

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[1] Form IA was inserted before Form I by section 29 of the Code of Criminal Procedure (Amendment) Act, 2026 (Act No. XI of 2026). (With effect from 10th August 2025)

FORMS

I.–SUMMONS TO AN ACCUSED PERSON

(See section 68)

To of .

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or* by pleader, *as the case may be*) before the (*Magistrate*) of , on the day of . Herein fail not.

Dated this day of , 18 .

(*Seal*) (Signature)

II.– WARRANT OF ARREST

(See section 75)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said and to produce him before me. Herein fail not.

Dated this day of , 18 .

(*Seal*) (Signature)

(See section 76)

This warrant may be endorsed as follows:–

If the said shall give bail himself in the sum of , with one surety in the sum of (*or* two sureties each in the sum of) to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of , 18 .

(Signature)

III.– BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT

(See section 86)

I, (*name*), of being brought before the District Magistrate of (*or as the case may be*) under a warrant issued to compel my appearance to answer to the charge of , do hereby bind myself to attend in the Court of on the day of next, to answer to the said charge, and to continue so to attend until otherwise directed by the Court ; and, in case of my making default herein, I bind myself to forfeit, to Government the sum of Taka .

Dated this day of , 18 .

(Signature)

I do hereby declare myself surety for the above-named of

, that he shall attend before

in the Court of on the

day of next, to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court ; and, in case of his making default therein, I bind myself to forfeit to Government the sum of Taka .

Dated this day of , 18 .

(Signature)

IV.– PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED

(See section 87*)*

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of, punishable under section of the Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found, and whereas it has been shown to my satisfaction that the said (*name*) has absconded (or is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear at (*place*) before this Court (*or* before me) to answer the said complaint on the day of .

Dated this day of , 18 .

(*Seal*) (*Signature*)

V.– PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS

(See section 87*)*

WHEREAS complaint has been made before me that (*name, description and address*) has committed (or is suspected to have committed) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching the matter of the said complaint ; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (or is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (*name*) is required to appear at (*place*) before this Court of on the day of next at o'clock to be examined touching , the offence complained of.

Dated this day of , 18 .

(*Seal*) (*Signature*)

VI.– ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS.
(See section 88*)*

To the Police-Officer in charge of the Police-station at .

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served ; and whereas it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant); and thereupon a Proclamation has been or is being duly issued and published requiring the said to appear and give evidence at the time and place mentioned therein.

This is to authorize and require you to attach by seizure the movable property belonging to the said to the value of Taka which you may find within the District of and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal*) (*Signature*)

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED.
(See section 88)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name, description and address*) has committed (or is suspected to have committed) the offence of punishable under section of the Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (name) cannot be found ; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (or is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation has been or is being duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to Government in the village (*or* town) of , in the District of , viz., , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal*) (*Signature*)

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(See section 88)

To the Deputy Commissioner of the District of .

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of , punishable under section of the Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant) and thereupon a Proclamation has been or is being duly issued and published requiring the said to appear to answer the said charge within days, ; and whereas the said is possessed of certain land paying revenue to Government in the village (*or* town) of in the District of ;

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of , 18 .

(*Seal*) (*Signature*)

VII.– WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS

(See section 90*)*

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that of has (or is suspected to have) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorise and require you to arrest the said (*name*), and on the day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

VIII.– WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE

(See section 96*)*

To (*name and designation of the Police officer or other person or persons who is or are to execute the warrant*).

WHEREAS information has been laid (*or* complaint has been made) before me of the commission (*or* suspected commission) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the inquiry now being made (*or* about to be made) into the said offence (*or* suspected offence);

This is to authorize and require you to search for the said (*the thing specified*) in the (*describe the house or place or a part thereof to which the search is to be confined*) and, if found, to produce the same forthwith before this Court, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal*) (*Signature*)

IX.–WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT

(See section 98*)*

To (*name and designation of a Police-officer above the rank of a Constable).*

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the (*describe the house or other place)* is used as a place for the deposit (*or sale*) of stolen property (*or if for either of the other purposes expressed in the section, state the purpose in the words of the section)*;

This is to authorize and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or if the search is to be confined to a part, specify the part clearly*) and to seize and take possession of any property (or documents, or stamps, or seals, *or* coins, or obscene objects, *as the case may be*)–[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, or counterfeit stamps, or false seals, or counterfeit coin (*as the case may be*)], and forthwith to bring before this Court such of the said things as may be taken possession of, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal*) (*Signature*)

X.–BOND TO KEEP THE PEACE
(See section 107*)*

WHEREAS I, (*name*) inhabitant of (*place*), have been called upon to enter into a bond to keep the peace for the term of or until the completion of the inquiry in the matter of now pending in the Court of , I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term or until the completion of the said inquiry; and, in case of my making default therein, I hereby bind myself to forfeit to Government, the sum of Taka .

Dated this day of , 18 .

(*Signature*)

XI.–BOND FOR GOOD BEHAVIOUR
(See section 108, 109 and 110*)*

WHEREAS I, (*name*) inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to Government and to all the citizens of Bangladesh for the term of (*state the period*) or until the completion of the inquiry in the matter of now pending in the Court of , I hereby bind myself to be of good behaviour to Government and to all the citizens of Bangladesh during the said term or until the completion of the said inquiry; and, in case of my making default therein, I bind myself to forfeit to Government the sum of Taka.

Dated this day of , 18 .

(Seal) (*Signature*)

(Where a bond with sureties is to be executed, add)–We do hereby declare ourselves sureties for the above named that he will be of good behaviour to Government and to all the citizens of Bangladesh during the said term or until the completion of the said inquiry; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Government the sum of Taka .

Dated this day of , 18 .

(*Signature*)

XII.–SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE

(See section 114)

To of ,

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*), and that you are likely to commit a breach of the peace (*or* by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (or by a duly authorized agent) at the Office of the Magistrate of on the day of , 18 , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for Taka [*when sureties are required, add,* and also to give security by the bond of one (*or* two, *as the case may be*) surety (*or* sureties) in the sum of Taka (*each if more than one*)] that you will keep the peace for the term of .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal*) (*Signature*)

XIII.–WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE

(See section 123)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and address*) appeared before me in person (or by his authorized agent) on the day of

in obedience to a summons calling upon him to show cause why he should not enter into a bond for Taka with one surety (*or* a bond with two sureties each in Taka), that he, the said (*name*), would keep the peace for the period of months ; and whereas and order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*), into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) unless he shall in the meantime be lawfully ordered to be released and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal*) (*Signature*)

XIV.–WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOR

(See section 123)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the district of having no ostensible means of subsistence (*or* and that he is unable to give any satisfactory account of himself);

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded, from which it appears that he is an habitual robber (*or* house-breaker, etc., *as the case may be*);

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (*or* two or more sureties, *as the case may be*), himself for Taka and the said surety (*or* each of the said sureties) for Taka, , and the said (*name*) has failed to comply with the said order and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sooner furnished;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) unless he shall in the meantime be lawfully ordered to be released and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

XV.–WARRANT TO DISCHARGE A PERSONED IMPRISON ON FAILURE TO GIVE SECURITY.

(See section 123 *and* 124*)*

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of the Court, dated the day of and has since duly given security under section of the Code of Criminal Procedure;

or

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community ;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

XVI.–ORDER FOR THE REMOVAL OF NUISANCES

(See section 133)

To (*name, description and address).*

WHEREAS it has been made to appear to me that you have caused an obstruction (*or nuisance*) to persons using the public roadway (*or other public place*) which, etc., (*describe the road or public place*), by, etc., (*state what it is that causes the obstruction or nuisance*), and that such obstruction (or nuisance) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade or occupation and the place where it is carried on*), and that the same is injurious to the public health (or comfort) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (or are in possession of or have the control over) a certain tank (or well or excavation) adjacent to the public way (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or* well *or* excavation) being without a fence (*or* insecurely fenced);

or

WHEREAS, etc., etc. (*as the case may be*);

I do hereby direct and require you within (*state the time allowed*) to (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, etc.;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced)*; or to appear, etc.;

or

I do hereby direct and require you, etc., etc. (*as the case may be*).

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

Form XVII.–[*Omitted by the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978), Schedule, sl. 101(a).*]

XVIII. - MAGISTRATE'S NOTICE AND PEREMPTORY ORDER

[1][* * *]

(See Section 140)

To (*name, description and address)*.

I HEREBY give you notice that [2][it has been] found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (*state the time allowed*), on peril of the penalty provided by the Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

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1 The words "AFTER THE FINDING BY A JURY" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

2 The words "it has been" were substituted for the words "the Jury duly appointed on the petition presented by you on the day of have" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

XIX. - INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY [1][* * *]

(See section 142)

To (*name, description and address*),

WHEREAS the inquiry [2][into the conditional order issued by me on the day of 18 ,] is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local inquiry [3][* * *].

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

XX.- MAGISTRATE'S ORDER PROBIBITING THE REPETITION, ETC., OF A NUISANCE.

(See section 143)

To (*name, description and address*).

WHEREAS it has been made to appear to me that, etc., (*state the proper recital, guided* by Form No. XVI or Form No. XXI, *as the case may be*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, etc. (*as the case may be*).

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

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1 The words "BY A JURY" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

2 The words "into the conditional order issued by me on the day of 19," were substituted for the words, figure and comma "by a Jury appointed to try whether my order issued on the day of 18 , is reasonable and proper" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

3 The words "by the Jury" were omitted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

XXI. - MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, ETC.
(See section 144)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you are in possession (*or* have the management) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the public street, etc., (*as the case may be*), and that such procession is likely to lead to a riot or an affray;

or

WHEREAS etc., etc. (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from land on any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or as the case recited may require*).

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

XXII. MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, ETC., IN DISPUTE.
(See section 145)

It appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*), situate within the local limits of my jurisdiction, all the said parties were called upon to give in written statement of their respective claims as to the fact of actual possession of the said

(*the subject of dispute*), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true;

I do decide and declare that he is (*or they are*) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or their*) possession in the meantime.

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

XXIII. - WARRANT OF ATTACHEMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, ETC.

(See section 146)

To the Police-officer in charge of the Police-station at
[or, To the Collector of].

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained, and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

XXIV. - MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANYTHING ON LAND OR WATER.

(See section 147)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or* water) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due inquiry into the same, that the said land (*or* water) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons, describe him or them*) and (*if the use can be enjoyed throughout the year*) that the said use has been enjoyed within three months of the institution of the said inquiry (*or if the use is enjoyable only at particular seasons, say* "during the last of the seasons at which the same is capable of being enjoyed");

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (or retain) possession of the said land (*or* water) to the exclusion of the enjoyment of the right of use aforesaid, until he (or they) shall obtain the decree or order of a competent Court adjudging him (*or* them) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of 18 .

(*Seal*) (*Signature*)

XXV. - BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE-OFFICER

(See section 169)

I, (*name*), of , being charged with the offence of and after inquiry required to appear before the Magistrate of ,

or

and after inquiry called upon to enter into may own recognizance to appear when required, do hereby bind myself to appear at , in the Court of , on the day of next (or on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Government the sum of Taka .

Dated this day of 18 .

(Signature)

I hereby declare myself (*or* we jointly and severally declare ourselves and each of us) surety (*or* sureties) for the above said that he shall attend at , in the Court of , on the day of next (or on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (or we hereby bind ourselves) to forfeit to Government, the sum of Taka .

Dated this day of 18 .

(Signature)

XXVI. - BOND TO PROSECUTE OR GIVE EVIDENCE

(See section 170)

I, (*name*), of (*place*), do hereby bind myself to attend at in the Court of at o'clock on the day of next and then and there to prosecute (*or* to prosecute and give evidence) (*or* to give evidence) in the matter of a charge of against one *A. B.*, and, in case of making default herein, I bind myself to forfeit to Government, the sum of Taka .

Dated this day of 18 .

(Signature)

XXVII. - [1][NOTICE TO PUBLIC PROSECUTOR BY MAGISTRATE

(See section 205C)]

THE Magistrate of hereby gives notice that he has [2][sent] one for trial at the next Sessions; and the Magistrate hereby instructs the [3][Public Prosecutor] to conduct the prosecution of the said case.

The charge against the accused is that, etc., (*state the offence as in the charge*).

Dated this day of 18 .

(Signature)

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1 The heading "NOTICE TO PUBLIC PROSECUTOR BY MAGISTRATE (*See section 205C*)" were substituted for the former heading "NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

2 The words "sent" was substituted for the word "committed" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

3 The words "Public Prosecutor" were substituted for the words "Government Pleader" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

XXVIII.–CHARGES

(See sections 221, 222 223)

(I) CHARGES WITH ONE HEAD

(a) I, [*name and office of Magistrate, etc.*,], hereby charge you [*name of accused person*] as follows:–

On Penal Code, section 121.

(b) that you, on or about the day of at , waged war against Bangladesh, and thereby committed an offence punishable under section 121 of the Penal Code, and within the cognizance of the Court of Session *when the accused is to be tried by the High Court Division in the exercise of its original criminal jurisdiction, for* Court of Session *substitute High Court Division.*

(c) Any I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate*]

[*To be substituted for* (*b*)]:–

On section 124.

(2) That you, on or about the day of at , with the intention of inducing the President of Bangladesh to refrain from exercising a lawful power as such President, assaulted him, and thereby committed an offence punishable under section 124 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

On section 161.

(3) That you, being a public servant in the Department, directly accepted from [*state the name*], for another party [*state the name*] a gratification other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

(4) That you, on or about the day of , at , did [*or* omitted to do, *as the case may be*] , such conduct being contrary to the provisions of Act , section , and known by you to be prejudicial to , and thereby committed an offence punishable under section 166 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

On section 166.

(5) That you, on or about the day of , at, in the course of the trial of , before , stated in evidence that " " which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Penal Code, and within the cognizance of the Court of Session [or High Court Division.]

On section 193.

(6) That you, on or about the day of , at , committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

On section 304.

(7) That you, on or about the day of , at , abetted the commission of suicide by A. B., a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

On section 306.

(8) That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

On section 325.

(9) That you, on or about the day of , at , robbed [*state the name*], and thereby committed an offence punishable under section 392 of the Penal Code, and within the cognizance of the High Court Division, of Session [*or* High Court Division.]

On section 392

(10) That you, on or about the day of , at , committed dacoity, an offence punishable under section 395 of the Penal Code, and within the cognizance of the Court of Session [or High Court Division.]

On section 395.

[*In cases tried by Magistrates substitute* "within my cognizance" for "within the cognizance of the Court of Session, ", and *in (c) omit* "by the said Court"].

(II) CHARGES WITH TWO OR MORE HEADS

(a) I, [*name and office of Magistrate, etc.*,], hereby charge you [*name of accused person*] as follows:–

(b) *First*.– That you, on or about the day of , at , knowing a coin to be counterfeit, delivered the same to another person, by name A. B., as genuine, and thereby committed an offence punishable under section 241 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

On section 241.

Secondly.– That you, on or about the day of , at , knowing a coin to be counterfeit, attempted to induce an other person, by name *A. B*, to receive it as genuine, and thereby committed an offence punishable under section 241 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

(c) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate*]

[*To be substituted for* (*b*)]:–

On sections 302 and 304.

(2) *First*.–That you, on or about the day of , at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

Secondly.–That you, on or about the day of , at , by causing the death of , committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 304 of the Penal Code, and within the cognizance of the Court of Session or High Court Division.]

On sections 379 and 382.

(3) *First*.–That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

Secondly.–That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

Thirdly.–That you, on or about the day of , at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Penal Code, and within the cognizance of the Court of Session [or High Court Division.]

Fourthly.–That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Penal Code, and within the cognizance of the Court of Session [or High Court Division.]

Alternative charge on section 193.

(4) That you, on or about the day of , at , in the course of the inquiry into , before , stated in evidence that " " , and that you, on or about the , day of , at , in the course of the trial of , before , stated in the evidence that " ", one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Penal Code, and within the cognizance of the Court of Session [*or* High Court Division.]

[*In cases tried by Magistrates substitute "*within my cognizance" *for* "within the cognizance of the Court of Session" *and in (c) omit* "by the said Court".]

(III) CHARGES FOR THEFT AFTER PREVIOUS CONVICTION

I, [*name and office of Magistrate, etc.*], hereby charge you (*name of accused person*) as follows :–

That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Penal Code, and within the cognizance of the Court of Session *or* [$\frac{\text{High Court Division}}{\text{Magistrate}}$ *as the case may be*].

And you, the said (*name of accused*), stand further charged that you, before the committing of the said offence, that is to say, on the day of , had been convicted by the (*state Court by which conviction was had*) at of an offence punishable under Chapter XVII of the Penal Code, with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (*describe the offence in the words used in the section under which the accused was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Penal Code.

And I hereby direct that you be tried, etc.

XXIX.- WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(See sections 245 and 258)

To the Superintendent (*or Keeper*) of the Jail at .

WHEREAS on the day of 18, (*name of prisoner*), the (1st, 2nd , 3rd, *as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or sections*) of the Penal Code (or of Act), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said (*prisoner's name*) into your custody in the said Jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal) *(Signature)*

XXX.- WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY ATTACHMENT AND SALE.

(See section 250)

To the Superintendent (*or Keeper*) of the Jail at .

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*) and the same has been dismissed as false and frivolous (*or vexatious*), and the order of dismissal awards payment by the said (*name of complainant*) of the sum of Taka as amends ; and whereas the said sum has not been paid and an order has been made for his simple imprisonment in Jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorize and require you the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) subject to the provisions of section 69 of the Penal Code, unless the said sum be sooner paid, and on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal) *(Signature)*

XXXI.- SUMMONS TO WITNESS
(See sections 69 and 252)

To of .

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*state the offence concisely with time and place*), and it appears to me that you are likely to give material evidence for the prosecution;

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that, if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal) *(Signature)*

XXXII and XXXIII.– [*Omitted by the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978), Schedule.*]

XXXIV. – WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH
(See section 374)

To the Superintendent (or Keeper) of the Jail at .

WHEREAS at the Session held before me on the day of 18, (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session was duly convicted of the offence of culpable homicide amounting to murder under section of the Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of ;

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said (*prisoner's name*) into your custody in the said Jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal) *(Signature)*

XXXV. - WARRANT OF EXECUTION ON A SENTENCE OF DEATH
(See section 381)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name of prisoner*), the (1st, 2nd 3rd, *as the case may be*) prisoner in case No. of the Calendar at the Session held before me on the day of 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death; and whereas the order of the Court of confirming the said sentence has been received by this Court;

This is to authorize and require you, the said Superintendent (*or* Keeper), to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at (*time and place of execution*), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal) *(Signature)*

XXXVI. - WARRANT AFTER A COMMUTATION OF A SENTENCE
(See sections 381 and 382)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at a Session held on the day of 18 , (*name of prisoner*), the (1st, 2nd 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was convicted of the offence of punishable under section of the Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life (*or as the case may be*);

This is to authorize and require you, the said Superintendent (*or* Keeper) safely to keep the said (prisoner's name) in your custody in the said Jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words, "custody in the said Jail," "and there to carry into execution the punishment of imprisonment under the said order according to law".

Given under my hand and the seal of the Court, this

day of , 18 .

(Seal) *(Signature)*

XXXVII. - WARRANT TO LEVY A FINE BY ATTACHEMENT AND SALE

(See section 386 (1) (a))

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS (*Name and description of the offender*) was on the day of 18 , convicted before me of the offence of (*mention the offence concisely*), and sentenced to pay a fine of Taka ; and whereas the said (*name*) although required to pay the said fine, has not paid the same or any part thereof;

This is to authorize and require you to attach any movable property belonging to the said (*name*) which may be found within the district of ; and, if within (*state the number of days or hours allowed*) next after such attachment the said sum shall not be paid (or forthwith), to sell the movable property attached, or so much thereof as shall be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this

day of , 18 .

(Seal) *(Signature)*

[1][XXXVIIA. - BOND FOR APPEARANCE OF OFFENDER RELEASED PENDING REALISATION OF FINE.

(See section 388)

WHEREAS I, (*name*), inhabitant of (*place*), have been sentenced to pay a fine of Taka and in default of payment thereof to undergo imprisonment for ; and whereas the Court has been pleased to order my release on condition of my executing a bond for my appearance on the following date (*or* dates) namely:–

I hereby bind myself to appear before the Court of at o'clock on the following date (*or* dates) namely:– , and in case of making default herein, I bind myself to forfeit to Government, the sum of Taka .

Dated this day of 18 .

(Signature)

Where a bond with sureties is to be executed, add–

We do hereby declare ourselves sureties for the above named that he will appear before the Court of on the following date (*or* dates) namely:– and , in case of his making default therein, we bind ourselves jointly and severally to forfeit to Government, the sum of Taka .

(Signature)]

XXXVIII. -WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(See section 480)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at a Court holden before me on this day (*name and description of the offender*) in the presence (*or* view) of the Court Committed wilful contempt;

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of Taka , or in default to suffer simple imprisonment for the space of (*state the number of months, or days*);

---

[1] Form XXXVIIA was inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (Act No. XVIII of 1923).

This is authorize and require you, the Superintendent (*or* Keeper) of the said Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this

day of, 18.

(Seal) *(Signature)*

XXXIX. -MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER.

(See section 485)

To (*name and description of officer of Court*).

WHEREAS (*name and description*), being summoned (*or* brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (*or* certain questions) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorize and require you to take the said (*name*) into custody, and him safely to keep in your custody for the space of days, unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this

day of, 18.

(Seal) *(Signature)*

XL. -WARRANT OF IMPRISONEMENT ON FAILURE TO PAY MAINTENANCE.
(See section 488)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [or his child (*name*), who is by reason of (*state the reason*) unable to maintain herself (*or himself*)] and to have neglected or refused) to do so, and an order has been duly made requiring the said (name) to allow to his said wife (*or* child) for maintenance the monthly sum of Taka : and whereas it has been further proved that the said (*name*) in willful disregard of the said order has failed to pay Taka , being the amount of the allowance for the month (*or* months) of : And thereupon an order was made adjudging him to undergo simple (*or* rigorous) imprisonment in the said Jail for the period of ;

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said (*name*) into your custody in the said Jail, together with this warrant, and there carry the said order into execution according to law, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this

day of, 18.

(Seal) *(Signature)*

XLI. - WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY ATTACHEMENT AND SALE.
(See section 488)

To (*name and designation of the Police-officer or other person to execute the warrant.*)

WHEREAS an order has been duly made requiring (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of Taka and whereas the said (name) in willful disregard of the said order has failed to pay Taka, being the amount of the allowance for the month (*or* months) of;

(Schedule V.–Forms)

This is to authorize and require you to attach any movable property belonging to the said (*name*) which may be found within the district of , and if within (*state the number of days or hours allowed*) next after such attachment the said sum shall not be paid (*or* forthwith), to sell the movable property attached, or so much thereof as shall be sufficient to satisfy the said sum, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this

day of, 18.

(Seal) *(Signature)*

XLII. - BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A MAGISTRATE.

(See sections 496 and 499)

I, (*name*), of (*place*) being brought before the Magistrate of (*as the case may be*) charged with the offence of , and required to give security for my attendance in his Court and at the Court of Session if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and, should the case be sent for trial by the Court of Session, to be, and appear before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit to Government, the sum of Taka .

Dated this day of 18 .

(Signature)

I hereby declare myself (or We jointly and severally declare ourselves and each of us) surely (*or* sureties) for the said (*name*) that he shall attend at the Court of on every day of the preliminary inquiry into the offence charged against him, and, should the case be sent for trial by the Court of Session, that he shall be, and appear, before the said Court to answer the charge against him, and in case of his making default therein, I bind myself (*or* we bind ourselves) to forfeit to Government, the sum of Taka .

Dated this day of 18 .

(Signature)

XLIII. WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(See section 500)

To the Superintendent (*or* Keeper) of the Jail at .
(or other officer in whose custody the person is).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the
day of , and has since with his surety (*or* sureties) duly executed a bond under section 499 of the Code of Criminal Procedure;

This to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal) *(Signature)*

XLIV. - WARRANT OF ATTACHEMENT TO ENFORCE A BOND

(See section 514)

To the Police-officer in charge of the Police-station at .

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to Government, the sum of Taka (*the penalty in the bond*); and whereas the said (*name of person*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him;

This is to authorize and require you to attach any movable property of the said (*name*) that you may find within the district of , by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal) *(Signature)*

XLV. - NOTICE TO SURETY ON BREACH OF A BOND

(See section 514)

To of .

WHEREAS on the day of 18 , you became surety of (*name*) of (*place*) that he should appear before this Court on the day of and bound yourself in default thereof to forfeit the sum of Taka to Government, and whereas the said (*name*) has failed to appear before this Court and by reason of such default you have forfeited the aforesaid sum of Taka ;

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal) *(Signature)*

XLVI. - NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVOUR.

(See section 514)

To of .

WHEREAS on the day of 18 , you became surety by a bond for (*name*) of (*place*) that he would be of good behavior for the period of and bound yourself in default thereof to forfeit the sum of Taka to Government, and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security bond has become forfeited;

You are hereby required to pay the said penalty of Taka , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal) *(Signature)*

XLVII. - WARRANT OF ATTACHMENT AGAINST A SURETY
(See section 514)

To of .

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby forfeited to Government the sum of Taka
(*the penalty in the bond*);

This is to authorize and require you to attach any movable property of the said (*name*) which you may find within the district of , by seizure and detention ; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal) *(Signature)*

XLVIII. - WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(See section 514)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*) and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Government, and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of movable property of his, and an order has been made for his imprisonment in the civil Jail for (*specify the period*);

This is to authorize and require you, the said Superintendent (*or* Keeper) to receive the said (*name*) into your custody with this warrant and him safely to keep in the said Jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18 .

(Seal) *(Signature)*

XLIX. –NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.

(See section 514)

To (*name, description and address*).

WHEREAS on the day of 18 , you entered into a bond not to commit, etc., (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of Taka , or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of 18 .

(Seal) *(Signature)*

L. - WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(See section 514)

To (*name and designation of Police-officer*), at the Police-station of .

WHEREAS (*name and description*) did, on the day of 18 , enter into a bond for the sum of Taka binding himself not to commit a breach of the peace, etc. (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure movable property belonging to the said (*name*) to the value of Taka which you may find within the district of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal) *(Signature)*

LI. - WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(See section 514)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Government, the sum of Taka ; and whereas the said (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so and payment thereof and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you, the said Superintendent (*or* Keeper) of the said Civil Jail, to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), and to return that warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal) *(Signature)*

LII. - WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(See section 514)

To the Police-officer in charge of the Police-station at .

WHEREAS (*name, description and address*) did, on the

day of 18 , give security by bond in the sum of Taka for the good behavior of (*name, etc., of the principal*) and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure movable property belonging to the said (*name*) to the value of Taka which you may find within the district of , and, if the said sum be not paid within, to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 19 .

(Seal) *(Signature)*

LIII. - WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(See section 514)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS (*name, description and address*) did, on the day of 19 , give security by bond in the sum of Taka for the good behavior of (*name, etc., of the principal*) and proof of the breach of the said bond has been given before me and duly recorded , whereby the said (*name*) has forfeited to Government, the sum of Taka , and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you, the Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 19 .

(Seal) *(Signature)*

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The Penal Code, 1860

(ACT NO. XLV OF 1860)

[6th October, 1860]

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CHAPTER II

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The Penal Code, 1860.

GENERAL EXPLANATIONS

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213. Taking gift, etc., to screen an offender from punishment- if a capital offence; if punishable with imprisonment for life, or with imprisonment

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240. Delivery of Bangladesh coin, possessed with knowledge that it is counterfeit

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249. Altering appearance of Bangladesh coin, with intent that it shall pass as coin of different description

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326. Voluntarily causing grievous hurt by dangerous weapons or means

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327. Voluntarily causing hurt to extort property or to constrain to an illegal act

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330. Voluntarily causing hurt to extort confession, or to compel restoration of property

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356. Assault or criminal force in attempt to commit theft of property carried by a person

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366. Kidnapping or abducting or inducing woman to compel her marriage, etc.

366A. Procuration of minor girl

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375. Rape

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382. Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft

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384. Punishment for extortion

385. Putting person in fear of injury in order to commit extortion

386. Extortion by putting a person in fear of death or grievous hurt

387. Putting person in fear of death or of grievous hurt, in order to commit extortion

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398. Attempt to commit robbery or dacoity when armed with deadly weapon

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426. Punishment for mischief

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428. Mischief by killing or maiming animal of the value of ten taka

429. Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty taka

430. Mischief by injury to works of irrigation or by wrongfully diverting water

431. Mischief by injury to public road, bridge, river or channel

432. Mischief by causing inundation or obstruction to public drainage attended with damage

433. Mischief by destroying, moving or rendering less useful a light-house or sea-mark

434. Mischief of destroying or moving, etc., a land-mark fixed by public authority

435. Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten taka

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437. Mischief with intent to destroy or make unsafe a decked vessel or one of twenty tons burden

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440. Mischief committed after preparation made for causing death or hurt.

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441. Criminal trespass

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446. House-breaking by night

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448. Punishment for house-trespass

449. House-trespass in order to commit offence punishable with death

450. House-trespass in order to commit offence punishable with imprisonment for life

451. House-trespass in order to commit offence punishable with imprisonment

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The Penal Code, 1860.

452. House-trespass after preparation for hurt, assault or wrongful restraint

453. Punishment for lurking house-trespass or house-breaking

454. Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment

455. Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint

456. Punishment for lurking house-trespass or house-breaking by night

457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment

458. Lurking house-trespass or house-breaking by night, after preparation for hurt, assault or wrongful restraint

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464. Making a false document

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472. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 467

473. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise

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The Penal Code, 1860.

474. Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it as genuine

475. Counterfeiting device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material

476. Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material

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The Penal Code, 1860.

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511. Punishment for attempting to commit offences punishable with imprisonment for life or imprisonment

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The Penal Code, 1860.

The Penal Code, 1860

(ACT NO. XLV OF 1860)

[6th October, 1860]

CHAPTER I

INTRODUCTION

Preamble

WHEREAS it is expedient to provide a general Penal Code for Bangladesh; It is enacted as follows:-

Title and extent of operation of the Code

1. This Act shall be called the [2][Penal Code], and shall take effect throughout Bangladesh.

Punishment of offences committed within Bangladesh

2. Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within Bangladesh.

Punishment of offences committed beyond, but which by law may be tried within Bangladesh

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The Penal Code, 1860.

3. Any person liable, by any Bangladesh Law, to be tried for an offence committed beyond Bangladesh shall be dealt with according to the provisions of this Code for any act committed beyond Bangladesh in the same manner as if such act had been committed within Bangladesh.

Extension of Code to extra-territorial offences

4. The provisions of this Code apply also to any offence committed by-

(1) any citizen of Bangladesh in any place without and beyond Bangladesh;

(2) [Omitted by Article 2 and Schedule of the Central Laws (Adaptation) Order, 1961.]

(3) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

(4) any person on any ship or aircraft registered in Bangladesh wherever it may be.

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Explanation.-In this section the word "offence" includes every act committed outside Bangladesh which, if committed in Bangladesh, would be punishable under this Code.

Illustrations

(a) A, a Bangladesh subject, commits a murder in Uganda. He can be tried and convicted of murder in any place in Bangladesh in which he may be found.

(b) B, a European British subject, commits a murder in [3][Rangpur]. He can be tried and convicted of murder in any place in Bangladesh in which he may be found.

(c) C, a foreigner who is in the service of the Bangladesh Government, commits a murder in [4][Khulna]. He can be tried and convicted of murder at any place in Bangladesh in which he may be found.

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(d) D, a British subject living in [5][Khulna], instigates E to commit a murder in [6][Chittagong]. D is guilty of abetting murder.

Certain laws not to be affected by this Act

5. Nothing in this Act is intended to repeal, vary, suspend, or affect [7][* * *] any of the provisions of any Act for punishing mutiny and desertion of officers, soldiers, sailors or airmen in the service of the [8][Republic], or of any special or local law.

CHAPTER II

GENERAL EXPLANATIONS

Definitions in the Code to be understood subject to exceptions

6. Throughout this Code every definition of an offence, every penal provision and every illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the chapter entitled "General Exceptions," though those exceptions are not repeated in such definition, penal provision or illustration.

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Illustrations

(a) The sections in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a police officer, without warrant, apprehends Z who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it".

Sense of expression once explained

7. Every expression which is explained in any part of this Code is used in every part of this Code in conformity with the explanation.

Gender

8. The pronoun "he" and its derivatives are used of any person, whether male or female.

Number

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The Penal Code, 1860.

9. Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

"Man" "Woman"

10. The word "man" denotes a male human being of any age: the word "woman" denotes a female human being of any age.

"Person"

11. The word "person" includes any Company or Association, or body of persons, whether incorporated or not.

"Public"

12. The word "public" includes any class of the public or any community.

[Omitted]

13. [Omitted by Article 2 and Schedule of the Central Laws (Adaptation) Order, 1961.]

"Servant of the State"

14. The words [9][Servant of the Republic] denote all officers or servant, continued, appointed or employed in Bangladesh by or under the authority of the Government.

[Repealed]

15. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

[Repealed]

16. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

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The Penal Code, 1860.

"Government"

17. The word "Government" denotes the person or persons authorized by law to administer executive Government in Bangladesh, or in any part thereof.

[Repealed]

18. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

"Judge"

19. The word "Judge" denotes not only every person who is officially designed as a Judge, but also every person,-

who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or

who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

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Illustrations

(a) A Collector exercising jurisdiction in a suit under Act X of 1859, is a Judge.

(b) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment with or without appeal, is a Judge.

(c) [Repealed by the Federal Laws (Revision and Declaration) Act 1951 (Act XXXVI of 1951)].

(d) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court, is not a Judge.

"Court of justice"

20. The words "Court of Justice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

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The Penal Code, 1860.

"Public servant"

21. The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely:-

First.-[Omitted by section 2 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)];

Second. Every Commissioned Officer in the Military, Naval or Air Forces of Bangladesh [10][* * *];

[11][Third.- Every Judge including any person empowered by any law to perform, whether by himself or as a member of any body of persons, any adjudicatory function;]

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Fourth.- very officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret,

or to preserve order in the Court; and every person specially authorized by a Court of Justice to perform any of such duties;

Fifth.-Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant;

Sixth.-Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

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Seventh.-Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth.-Every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth.-Every officer whose duty it is, such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interest of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government [12][* * *];

Tenth.-Every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

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Eleventh.-Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election.

Illustration

A Municipal Commissioner is a public servant.

[13][Twelfth.-Every person-

(a) in the service or pay of the Government or remunerated by the Government by fees or commissions for the performance of any public duty;

(b) in the service or pay of a local authority or of a corporation, body or authority established by or under any law or of a firm or company in which any part of the interest or share capital is held by, or vested in, the Government.]

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Explanation 1.-Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2.-Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

Explanation 3.-The word "election" denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election.

“Moveable property”

22. The words "moveable property" are intended to include corporeal property of every description, except land and thing attached to the earth or permanently fastened to any thing which is attached to the earth.

“Wrongful gain”

23. "Wrongful gain" is gain by unlawful means of property to which the person gaining is not legally entitled.

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The Penal Code, 1860.

“Wrongful loss”

"Wrongful loss" is the loss by unlawful means of property to which the person losing it is legally entitled.

Losing wrongfully.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to loss wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

“Dishonestly”

24. Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing "dishonestly".

“Fraudulently"

25. A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise.

“Reason to believe”

26. A person is said to have "reason to believe" a thing if he has sufficient cause to believe that thing but not otherwise.

Property in possession of wife, clerk or servant.

27. When property is in the possession of a person's wife, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Code.

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Explanation.-A person employed temporarily or on a particular occasion in the capacity of a clerk, or servant, is a clerk or servant within the meaning of this section.

"Counterfeit"

28. A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of that resemblance to practice deception, or knowing it to be likely that deception will thereby be practiced.

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Explanation 1.-It is not essential to counterfeiting that the imitation should be exact.

Explanation 2.-When a person causes one thing to resemble another thing, and resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practice deception or knew it to be likely that deception would thereby be practiced.

"Document"

The Penal Code, 1860.

29. The word "document" denotes any matter expressed or described upon any substance by means of letters, figures, marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.

Explanation 1.-It is immaterial by what means or upon what substance the letters, figures or marks are formed, or whether the evidence is intended for, or may be used in a Court of Justice, or not.

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Illustrations

A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.

A cheque upon a banker is a document.

A Power-of-Attorney is a document.

A map or plan which is intended to be used or which may be used as evidence, is a document.

A writing containing directions or instructions is a document.

Explanation 2.-Whatever is expressed by means of letters, figures or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

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Illustration

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The

endorsement is a document, and must be construed in the same manner as if the words "pay to the holder" or words to that effect had been written over the signature.

"Valuable security"

30. The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security".

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"A will"

31. The words "a will" denote any testamentary document.

Words referring to acts include illegal omissions

32. In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

The Penal Code, 1860.

“Act” “Omission”

33. The word "act" denotes as well a series of acts as a single act: the word "omission” denotes as well a series of omissions as a single omission.

Acts done by several persons in furtherance of common intention

34. When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

When such an act is criminal by reason of its being done with a criminal knowledge or intention

35. Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

Effect caused partly by act and partly by omission

36. Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

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Illustration

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

Co-operation by doing one of several Acts constituting an offence

37. When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

Illustrations

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement with intent to murder Z. Z dies from the effects of the several doses of poison so administered to him. Here A and B intentionally co-operate in the commission of murder and as each of them does an act by which the death is caused, they are both guilty of the offence though their acts are separate.

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(b) A and B are joint jailors, and as such, have the charge of Z, a prisoner, alternately for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor, has the charge of Z, a prisoner. A intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder, but, as A did not co-operate with B, A is guilty only of an attempt to commit murder.

Persons concerned in criminal act may be guilty of different offences

38. Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

Illustration

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A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B having ill-will towards Z and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

"Voluntarily"

39. A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

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Illustration

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating robbery and thus causes the death of a person. Here, A may not have intended to cause death, and may even be sorry that death has been caused by his act: yet, if he knew that he was likely to cause death, he has caused death voluntarily.

The Penal Code, 1860.

“Offence”

40. Except in the chapters and sections mentioned in clauses 2 and 3 of this section, the word "offence" denotes a thing made punishable by this Code.

In Chapter IV, Chapter VA and in the following sections, namely, sections 64, 65, 66, 67, 71, 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word "offence" denotes a thing punishable under this Code, or under any special or local law as hereinafter defined.

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And in sections 141, 176, 177, 201, 202, 212, 216 and 441 the word "offence" has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.

“Special law”

41. A "special law" is a law applicable to a particular subject.

“Local law”

42. A "local law" is a law applicable only to a particular part of the territories comprised in Bangladesh.

The Penal Code, 1860.

“Illegal” “Legally bound to do”

43. The word “illegal” is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action: and a person is said to be "legally bound to do" whatever it is illegal in him to omit.

“Injury”

44. The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

“Life”

45. The word "life" denotes the life of a human being, unless the contrary appears from the context.

“Death”

46. The word "death" denotes the death of a human being, unless the contrary appears from the context.

“Animal”

47. The word "animal" denotes any living creature, other than a human being.

“Vessel”

48. The word “vessel” denotes anything made for the conveyance by water of human beings or of property.

“Year” “Month”

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The Penal Code, 1860.

49. Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the British calendar.

"Section"

50. The word "section" denotes one of those portions of a chapter of this Code which are distinguished by prefixed numeral figures.

"Oath"

51. The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant or to be used for the purpose of proof, whether in a Court of Justice or not.

"Good faith"

52. Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention.

"Harbour"

[14][52A. Except in section 157, and in section 130 in the case in which the harbour is given by the wife or husband of the person harboured, the word "harbour" includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension.]

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The Penal Code, 1860.

CHAPTER III

OF PUNISHMENTS

Punishments

53. The punishments to which offenders are liable under the provisions of this Code are,-

Firstly,- Death;

Secondly,- [15][Imprisonment for life];

Thirdly,-[Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act 1949 (Act No. II of 1950].

Fourthly,-Imprisonment, which is of two descriptions, namely:-

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(1) Rigorous, that is, with hard labour;

(2) Simple;

Fifthly,- Forfeiture of property;

Sixthly,- Fine.

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[16][Explanation.-In the punishment of imprisonment for life, the imprisonment shall be rigorous.]

Construction of reference to transportation

[17][53A.(1) Subject to the provisions of sub-section (2), any reference to "transportation for life" in any other law for the time being in force shall be construed as a reference to "imprisonment for life".

(2) Any reference to transportation for a term or to transportation for a shorter term (by whatever named called) in any other law for the time being in force shall be deemed to have been omitted.

(3) Any reference to "transportation" in any other law for the time being in force shall–

(a) if the expression means transportation for life, be construed as a reference to imprisonment for life;

(b) if the expression means transportation for any shorter term, be deemed to have been omitted.]

Commutation of sentence of death

54. In every case in which sentence of death shall have been passed, [18][the Government] may, without the consent of the offender, commute the punishment for any other punishment provided by this Code.

Commutation of sentence of [19][imprisonment] for life

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The Penal Code, 1860.

55. In every case in which sentence of [20][imprisonment] for life shall have been passed, [21][the Government] may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding [22][twenty] years.

Saving for President's prerogative

[23][55A. Nothing in section fifty-four or section fifty-five shall derogate from the right of the President to grant pardons, reprieves, respites or remissions of punishment.]

[Repealed]

56. [Repealed by Schedule of the Criminal Law (Extinction of Discriminatory Privileges Act, 1949 (Act No. II of 1950).]

Fractions of terms of punishment

57. In calculating fractions of terms of punishment, [24][imprisonment] for life shall be reckoned as equivalent to [25][rigorous imprisonment for thirty years].

[Omitted]

58. [Omitted by section 6 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).]

[Omitted]

59. [Omitted by section 6 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).]

Sentence may be (in certain cases of imprisonment, wholly or partly rigorous or simple

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The Penal Code, 1860.

60. In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

[Repealed]

61. [Repealed by section 4 of the Indian Penal Code (Amendment) Act, 1921 (Act No. XVI of 1921).]

[Repealed]

62. [Repealed by section 4 of the Indian Penal Code (Amendment) Act, 1921 (Act No. XVI of 1921).]

Amount of fine

63. Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.

Sentence of imprisonment for non-payment of fine

64. In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

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and in every case of an offence punishable with imprisonment or fine, or with fine only, in which the offender is sentenced to a fine,

it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence.

Limit to imprisonment for non-payment of fine, when imprisonment and fine awardable

65. The term for which the Court directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

Description of imprisonment for non-payment of fine

66. The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

Imprisonment for non-payment of fine, when offence punishable with fine only

67. If the offence be punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be simple, and the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say,

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for any term not exceeding two months when the amount of the fine shall not exceed fifty taka, and for any term not exceeding four months when the amount shall not exceed one hundred taka, and for any term not exceeding six months in any other case.

Imprisonment to terminate on payment of fine

68. The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.

Termination of imprisonment on payment of propor-tional part of fine

69. If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

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Illustration

A is sentenced to a fine of one hundred taka and four months imprisonment in default of payment. Here, if seventy-five taka of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seventy-five taka be

paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If fifty taka of the fine be paid or levied before the expiration of the two months of the imprisonments, A will be discharged as soon as the two months are completed. If fifty taka be paid or levied at the time the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

Fine leviable within six years, or during imprisonment Death not to discharge property from liability

70. The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability of any property which would, after his death, be legally liable for his debts.

Limit of punishment of offence made up of several offences

71. Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

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Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

Where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences.

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Illustrations

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.

(b) But if, while A is beating Z, Y interferes, and A intentionally strikes Y, here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

Punishment of person guilty of one of several offences, the judgment stating that it is doubtful of which

72. In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not provided for all.

Solitary confinement

73. Whenever any person is convicted of an offence for which under this Code the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, that is to say–

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a time not exceeding one month if the term of imprison-ment shall not exceed six months:

a time not exceeding two months if the term of imprisonment shall exceed six months and shall not exceed one year:

a time not exceeding three months if the term of imprisonment shall exceed one year.

Limit of solitary confinement

74. In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods, and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

Enhanced punishment for certain offences under Chapter XII or Chapter XVII after previous conviction

75. Whoever, having been convicted,–

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(a) by a Court in Bangladesh of an offence punishable under Chapter XII or Chapter XVII of this Code with imprisonment of either description for a term of three years or upwards; [26][* * *]

(b) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

shall be guilty of any offence punishable under either of those Chapters with like imprisonment for the like term, shall be

subject for every such subsequent offence to [27][imprisonment] for life, or to imprisonment of either description for a term which may extend to ten years.

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CHAPTER IV

GENERAL EXCEPTIONS

Act done by a person bound, or by mistake of fact believing himself bound, by law

76. Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.

Illustrations

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a Court of Justice, being ordered by that Court to arrest Y, and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

Act of judge when acting judicially

77. Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

Act done pursuant to the judgment or order of Court

78. Nothing which is done in pursuance of, or which is warranted by the judgment or order of, a Court of Justice, if done whilst such judgment or order remains in force, is an offence,

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notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

Act done by a person justified, or by mistake of fact believing himself justified, by law

79. Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith, believes himself to be justified by law, in doing it.

Illustration

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment, exerted in good faith of the power which the law gives to all persons of apprehending murderers in the act, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

Accident in doing a lawful act

80. Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

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Illustration

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here if there was no want of proper caution on the part of A, his act is excusable and not an offence.

Act likely to cause harm, but done without criminal intent and to prevent other harm

81. Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

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Explanation.-It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations

(a) A, the captain of a steam vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B, with twenty or thirty passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only two passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down C.

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(b) A, is in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with intention in good faith

of saving human life or property. Here if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

The Penal Code, 1860.

Act of a child under nine years of age

82. Nothing is an offence which is done by a child under [28][nine] years of age.

Act of a child above nine and under twelve of immature understanding

83. Nothing is an offence which is done by a child above [29][nine] years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

Act of a person of unsound mind

84. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

Act of a person incapable of judgment by reason of intoxication caused against his will

85. Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law: provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

Offence requiring a particular intent or knowledge committed by one who is intoxicated

86. In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the

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same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

87. Act not intended and not known to be likely to cause death or grievous hurt, done by consent

87. Nothing which is not intended to cause death, or grievous hurt, and which is not known by the doer to be likely to cause death, or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person, above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

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Illustration

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

88. Act not intended to cause death, done by consent in good faith for person's benefit

The Penal Code, 1860.

88. Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Illustration

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under the painful complaint, but not intending to cause Z's death, and intending, in good faith Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

Act done in good faith for benefit of child or insane person, by or by consent of guardian

89. Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person:

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Provided-

Firstly.-That this exception shall not extend to the intentional causing of death, or to the attempting to cause death;

Secondly.-That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt; or the curing of any grievous disease or infirmity;

Thirdly.-That this exception shall not extent to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;

Fourthly.-That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

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Illustration

A, in good faith, for his child's benefit without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, inasmuch as his object was the cure of the child.

Consent known to be given under fear or misconception

90. A consent is not such a consent as is intended by any section of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

Consent of insane person

If the consent is given by a person who, from unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or

Consent of child

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Unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

Exclusion of acts which are offences independently of harm caused

91. The exceptions in sections 87, 88 and 89 do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration

Causing miscarriage (unless caused in good faith for the purpose of saving the life of woman) is an offence independently of any harm which it may cause or be intended to cause to the woman. Therefore, it is not an offence "by reason of such harm"; and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

Act done in good faith for benefit of a person without consent

92. Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and

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has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit:

Provided-

Firstly.-That this exception shall not extend to the intentional causing of death, or the attempting to cause death;

Secondly.-That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

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Thirdly.-That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;

Fourthly.-That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations

(a) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A not intending Z's death but in good faith for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(b) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives Z a mortal wound. A has committed no offence.

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(c) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is no time to apply to the child's guardian. A performs the operation inspite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(d) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the housetop, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here even if the child is killed by the fall, A has committed no offence.

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Explanation.-Mere pecuniary benefit is not benefit within the meaning of sections 88, 89 and 92.

Communication made in good faith

93. No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

Illustration

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

Act to which a person is compelled by threats

94. Except murder, and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence: Provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

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Explanation 1.-A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2.-A person seized by a gang of dacoits, and forced by threat of instant death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception.

Act causing slight harm

95. Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm, is so slight that no person of ordinary sense and temper would complain of such harm.

Of the Right of the Private Defence

Things done in private defence

96. Nothing is an offence which is done in the exercise of the right of private defence.

Right of private defence of the body and of property

97. Every person has a right, subject to the restrictions contained in section 99, to defend–

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Firstly.-His own body, and the body of any other person against any offence affecting the human body;

Secondly.-The property, whether moveable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

Right of private defence against the act of a person of unsound mind, etc.

98. When an act, which would otherwise be a certain offence is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

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Illustrations

(a) Z, under the influence of madness, attempts to kill A; Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

Acts against which there is no right private defence

99. There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

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There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Extent to which the right may be exercised

The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Explanation 1.-A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such unless he knows, or has reason to believe, that the person doing the act is such public servant.

Explanation 2.-A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or if he has authority in writing, unless he produces such authority, if demanded.

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When the right of private defence of the body extends to causing death

100. The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the

offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:-

Firstly.-Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

Secondly.-Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

Thirdly.-An assault with the intention of committing rape;

Fourthly.-An assault with the intention of gratifying unnatural lust;

Fifthly.-An assault with the intention of kidnapping or abducting;

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Sixthly.-An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

When such right extends to causing any harm other than death

101. If the offence be not of any of the descriptions enumerated in the last preceding section, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in section 99 to the voluntary causing to the assailant of any harm other than death.

Commencement and continuance of the right of private defence of the body

102. The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues as long as such, apprehension of danger to the body continues.

When the right of private defence of property extends to causing death

103. The right of private defence of property extends, under the restrictions mentioned in section 99, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the

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committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely:-

Firstly.-Robbery;

Secondly.-House-breaking by night;

Thirdly.-Mischief by fire committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling or as a place for the custody of property;

Fourthly.-Theft, mischief or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised;

When such right extends to causing any harm other than death

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The Penal Code, 1860.

104. If the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding section, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in section 99, to the voluntary causing to the wrong-doer of any harm other than death.

Commencement and continuance of the right of private defence of property

105. The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

The right of private defence of property against theft continues till the offender has effected his retreat with the property or either the assistance of the public authorities is obtained, or the property has been recovered.

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The right of private defence of property against robbery continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint or as long as the fear of instant death or of instant hurt or of instant personal restraint continues.

The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief.

The right of private defence of property against house-breaking by night continues as long as the house-trespass which has been begun by such house-breaking continues.

Right of private defence against deadly assault when there is risk of harm to innocent person

106. If in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

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Illustration

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

CHAPTER V

OF ABETMENT

Abetment of a thing

107. A person abets the doing of a thing, who–

Firstly.-Instigates any person to do that thing; or

Secondly.-Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

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Thirdly.-Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.-A person who, by wilful misrepresenta-tion, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

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Explanation 2.-Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Abetment in Bangladesh, of offences outside it

[30][108A. A person abets an offence within the meaning of this Code who, in Bangladesh, abets the commission of any act without and beyond Bangladesh which would constitute an offence committed in Bangladesh.] Abetment in Bangladesh of offences outside it

Illustration

A, in Bangladesh, instigates B, a foreigner in Goa, to commit a murder in Goa. A is guilty of abetting murder.

Abettor

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The Penal Code, 1860.

108. A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1.-The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act.

Explanation 2.-To constitute the offence of abetment it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

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Illustrations

(a) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation 3.-It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustrations

(a) A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence, if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A

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and thereby, causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(c) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

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(d) A intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4.-The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and, as A instigated B to commit the offence, A is also liable to the same punishment.

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Explanation 5.-It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.

Illustration

A concerts with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section and is liable to the punishment for murder.

Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment.

109. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence. Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment

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Explanation.-An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Illustrations

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe. A has abetted the offence defined in section 161.

(b) A instigates B to give false evidence. B, in consequence of the instigation commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

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(c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Punishment of abetment if person abetted does act with different intention from that of abettor

110. Punishment of abetment if person abetted does act with different intention from that of abettor 110. Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

Liability of abettor when one act abetted and different act done

111. Liability of abettor when one act abetted and different act done 111. When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it:

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Provided the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Illustrations

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

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(b) A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

Abettor when liable to cumulative punishment for act abetted and for act done

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112. If the act for which the abettor is liable under the last preceding section is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

Illustration

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences; and, if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

Liability of abettor for an effect caused by the act abetted different from that intended by the abettor

113. When an act is abetted with the intention on the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment, causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

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Illustration

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if A knew that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

Abettor present when offence is committed

114. Whenever any person, who if absent would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

Abetment of offence punishable with death or imprisonment for life- if offence be not committed; if act causing harm be done in consequence

115. Whoever abets the commission of an offence punishable with death or [31][imprisonment] for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

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and if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Illustration

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or [32][imprisonment] for life. Therefore A is liable to imprisonment for a term which may extend to seven years and also to a fine; and, if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

Abetment of offence punishable with imprisonment- if offence be not committed; if abettor or person abetted be a public servant whose duty it is to prevent offence

116. Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of any description provided for that

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offence for a term which may extend to one-fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with both;

and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B refuses to accept the bribe. A is punishable under this section.

(b) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section, and is punishable accordingly.

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(c) A, a police-officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(d) B abets the commission of a robbery by A, a police-officer, whose duty it is to prevent that offence. Here though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

Abetting commission of offence by the public, or by more than ten persons

117. Whoever abets the commission of an offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

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Illustration

A affixes in a public place a placard instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this section.

Concealing design to commit offence punishable with death or imprisonment for life- if offence be committed; if offence be not committed

118. Whoever intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with death or [33][imprisonment] for life,

voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence or makes any representation which he knows to be false respecting such design,

shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years, or, if the offence be not committed, with imprisonment of either description for a term which may extend to three years; and in either case shall also be liable to fine.

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Illustration

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this section.

Public servant concealing design to commit offence which it is his duty to prevent-

119. Whoever, being a public servant intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence which it is his duty as such public servant to prevent,

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voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design,

if offence be committed;

shall, if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both;

if offence be punishable with death, etc;

or, if the offence be punishable with death or [34][imprisonment] for life, with imprisonment of either description for a term which may extend to ten years;

if offence be not committed

or, if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment or with such fine as is provided for the offence, or with both.

Illustration

A, an officer of police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information, with intent to facilitate the commission of that offence. Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this section.

Concealing design to commit offence punishable with imprisonment

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The Penal Code, 1860.

120. Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment,

voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design,

if offence be committed; if offence be not committed

shall, if the offence be committed, be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth, and, if the offence be not committed, to one-eighth, of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

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[35]CHAPTER VA

CRIMINAL CONSPIRACY

Punishment of criminal conspiracy

120B. (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, [36][imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall,

where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.]

Definition of criminal conspiracy.

120A. When two or more persons agree to do, or cause to be done,-

(1) an illegal act, or

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(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation.-It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

CHAPTER VI

OF OFFENCES AGAINST THE STATE

Waging or attempting to wage war, or abeting waging of war, against Bangladesh

121. Whoever wages war against Bangladesh, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or [37][imprisonment] for life, and shall also be liable to fine.Illustration

A joins an insurrection against Bangladesh. A has committed the offence defined in this section.

Conspiracy to commit offences punishable by section 121.

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The Penal Code, 1860.

[38][121A. Whoever within or without Bangladesh conspires to commit any of the offences punishable by section 121, or to deprive Bangladesh of the sovereignty of her territories or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government, shall be punished with [39][imprisonment for life] or with imprisonment of either description which may extend to ten years, and shall also be liable to fine.]

Explanation.-To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance.

Collecting arms, etc., with intention of waging war against Bangladesh

122. Whoever collects men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against Bangladesh, shall be punished with [40][imprisonment] for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Concealing with intent to facilitate design to wage war

123. Whoever, by any act, or by any illegal omission, conceals the existence of a design to wage war against Bangladesh, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

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The Penal Code, 1860.

Condemnation of the creation of the State, and advocacy of abolition of its sovereignty

[41][123A. (I) Whoever, with or without Bangladesh, with intent to influence, or knowing it to be likely that he will influence, any person or the whole or any section of the public, in a manner likely to be prejudicial to the safety of Bangladesh, or to endanger the sovereignty of Bangladesh in respect of all or any of the territories lying within its borders, shall by words, spoken or written, or by signs or visible representation, condemn the creation of Bangladesh [42][in pursuance of the Proclamation of Independence on the twenty-sixth day of March, 1971], or advocate the curtailment or abolition of the sovereignty of Bangladesh in respect of all or any of the territories lying within its borders, whether by amalgamation with the territories of neighboring States or otherwise, shall be punished with rigorous imprisonment which may extend to ten years and shall also be liable to fine.

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(2) Notwithstanding anything contained in any other law for the time being in force, when any person is proceeded against under this section, it shall be lawful for any Court before which he may be produced in the course of the investigation or trial, to make such order as it may think fit in respect of his movements, of his association or communication with other persons, and of his activities in regard to dissemination of news, propagation of opinions, until such time as the case is finally decided.]

(3) Any Court which is a Court of appeal or of revision in relation to the Court mentioned in sub-section (2) may also make an order under that sub-section.]

Assaulting President, The Government, etc., with intent to compel or restrain the exercise of any lawful power

124. Whoever, with the intention of inducing or compelling the President of Bangladesh, or [43][the Government], to exercise or refrain from exercising in any manner any of the lawful powers of the President, or [44][the Government],

assaults, or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe, the President, [45][* * *],

shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Sedition

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The Penal Code, 1860.

[46][124A. Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law shall be punished with [47][imprisonment for life] or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.]

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Explanation 1.-The expression "disaffection" includes disloyalty and all feelings of enmity.

Explanation 2.-Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Explanation 3.-Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Waging war against any Asiatic Power in alliance with Bangladesh

The Penal Code, 1860.

125. Whoever wages war against the Government of any Asiatic power in alliance or at peace with Bangladesh or attempts to wage such war, or abets the waging of such war, shall be punished with [49][imprisonment] for life, to which fine may be added, or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine.

Committing depredation on territories of Power at peace with Bangladesh

126. Whoever commits depredation, or makes preparations to commit depredation, on the territories of any Power in alliance or at peace with Bangladesh, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

Receiving property taken by war or depredation mentioned in sections 125 and 126

127. Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so received.

Public servant voluntarily allowing prisoner of State or war to escape

128. Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined,

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shall be punished with [49][imprisonment] for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Public servant negligently suffering such prisoner to escape

129. Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in

which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

Aiding escape of, rescuing or harbouring such prisoner

130. Whoever knowingly aids or assists any State prisoner or prisoner of war in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner shall be punished with [50][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

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Explanation.-A State prisoner or prisoner of war, who is permitted to be at large on his parole within certain limits in Bangladesh, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

CHAPTER VII

OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty

131. Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of Bangladesh, or attempts to seduce any such officer, soldier, sailor or airman from his allegiance or his duty, shall be punished with [51][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

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Explanation.-In this section the words "officer", “soldier", "sailor" and "airman" include any person subject to the [52][Army Act, 1952 or the Navy Ordinance, 1961 or the Air Force Act, 1953], as the case may be.

Abetment of mutiny, if mutiny is committed in consequence thereof

The Penal Code, 1860.

132. Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of Bangladesh, shall, if mutiny be committed in consequence of that abetment, be punished with death or with [53][imprisonment] for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office

133. Whoever, abets an assault by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of Bangladesh, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Abetment of such assault, if the assault is committed

134. Whoever, abets an assault by an officer, soldier sailor or airman, in the Army, Navy or Air Force of Bangladesh, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to seven years, and shall be liable to fine.

Abetment of desertion of soldier, sailor or airman

135. Whoever abets the desertion of any officer, soldier, sailor or airman, in the Army, Navy or Air Force of Bangladesh, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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The Penal Code, 1860.

Harbouring deserter

136. Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, sailor or airman, in the Army, Navy or Air Force of Bangladesh, has deserted, harbours such officer, soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Exception.-This provision does not extend to the case in which the harbour is given by a wife to her husband.

Deserter concealed on board merchant vessel through negligence of master

137. The master or person in charge of a merchant vessel, on board of which any deserter from the Army, Navy or Air Force of Bangladesh is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred taka if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

Abetment of act of insubordination by soldier, sailor or airman

138. Whoever abets what he knows to be an act of insubordination by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of Bangladesh, shall, if such act of insubordination be

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committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

[Repealed]

138A. [Repealed by section 2 and Schedule of the Amending Act, 1934 (Act No. XXXV of 1934).]

Persons subject to certain acts

139. No person subject to the [54][* * *] Army Act, 1952, the [55][Navy Ordinance, 1961], the [56][* * *] Air Force Act, 1953, is subject to punishment under this Code for any of the offences defined in this Chapter.

Wearing garb or carrying token used by soldier, sailor or airman

140. Whoever, not being a soldier, sailor or airman in the Military, Naval or Air service of Bangladesh, wears any garb or carries any token resembling any garb or token used by such a soldier, sailor or airman with the intention that it may be believed that he is such a soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred taka or with both.

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CHAPTER VIII

OF OFFENCES AGAINST THE PUBLIC TRANQUILITY

The Penal Code, 1860.

Unlawful assembly

141. An assembly of five or more persons is designated an "unlawful assembly," if the common object of the persons composing that assembly is–

First.-To overawe by criminal force, or show of criminal force, Government or Legislature, or any public servant in the exercise of the lawful power of such public servant; or

Second.-To resist the execution of any law, or of any legal process; or

Third.–To commit any mischief or criminal trespass, or other offence; or

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Fourth.-By means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

Fifth.-By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation.-An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

Being member of unlawful assembly

142. Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

Punishment

143. Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Joining unlawful assembly, armed with deadly weapon

144. Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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The Penal Code, 1860.

Joining or continuing in unlawful assembly, knowing it has been commanding to disperse

145. Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Rioting

146. Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

Punishment for rioting

147. Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Rioting, armed with deadly weapon

148. Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Every member of unlawful assembly guilty of offence committed in prosecution of common object

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The Penal Code, 1860.

149. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

Hiring, or conniving at hiring, of persons to join unlawful assembly

150. Whoever hires or engages, or employs, or promotes, or connives at the hiring, engagement or employment of any person to join or become a member of any unlawful assembly, shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly in pursuance of such hiring, engagement or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.

Knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse

151. Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

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Explanation.-If the assembly is an unlawful assembly within the meaning of section 141, the offender will be punishable under section 145.

Assaulting or obstructing public servant when suppressing riot, etc.

152. Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant, in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years or with fine, or with both.

Wantonly giving provocation with intent to cause riot- if rioting be committed; if not committed

153. Whoever malignantly, or wantonly, by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Promoting enmity between classes

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[57][153A. Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of the citizens of Bangladesh, shall be punished with imprisonment which may extend to two years, or with fine, or with both.]

Explanation.-It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce, feelings of enmity or hatred between different classes of the citizens of Bangladesh.

Inducing students, etc. to take part in political activity

[58][153B. Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, induce or attempts to induce any student, or any class of students, or any institution interested in or connected with students, to take part in any political activity which disturbs or undermines, or is likely to disturb or undermine, the public order shall be punished with imprisonment which may extend to two years or with fine, or with both.]

Owner or occupier of land on which an unlawful assembly is held

154. Whenever any unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held, or such riot is committed, and any person having or

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claiming an interest in such land, shall be punishable with fine not exceeding one thousand taka, if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the principal officer at the nearest police-station, and do not, in the case of his or their having reason to believe that it was about to be committed, use all lawful means in his or their power to prevent it and, in the event of its taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.

Liability of person for whose benefit riot is committed

155. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same.

Liability of agent of owner or occupier for whose benefit riot is committed

156. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such

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land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom,

the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same.

Harbouring persons hired for an unlawful assembly

157. Whoever harbours, receives or assembles, in any house or premises in his occupation or charge, or under his control any persons, knowing that such persons have been hired, engaged or employed, or are about to be hired, engaged or employed, to join or become members of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Being hired to take part in an unlawful assembly or riot; or to go armed

158. Whoever is engaged or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in section 141, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

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and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon or with anything which used as a weapon of offence is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Affray

159. When two or more persons, by fighting in a public place, disturb the public peace, they are said to "commit an affray".

Punishment for committing affray

160. Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred taka, or with both.

CHAPTER IX

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

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Public servant taking gratification other than legal remuneration in respect of an official ac

161. Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept, or attempts to obtain from any person, for himself or for any other person any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act

or for showing or for bearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Government or Legislature, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Explanations-"Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating but he is not guilty of the offence defined in this section.

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"Gratification." The word "gratification" is not restricted to pecuniary gratifications, or to gratifications estimable in money.

"Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which is permitted by the authority by which he is employed, to accept.

"A motive or reward for doing." A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, comes within these words.

Illustrations

(a) A, a munsif, obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for deciding a cause in favour of Z. A has committed the offence defined in this section.

(b) A, holding the office of Consul at the Court of a foreign Power, accepts a lakh of taka from the Minister of that Power. It does not appear that A accepted this sum as a motive or reward for doing or forbearing to do any particular official act, or for rendering or attempting to render any particular service to that Power with the Government of Bangladesh. But it does appear that A accepted the sum as a motive or reward for generally showing favour in the exercise of his official functions to that Power. A has committed the offence defined in this section.

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(c) A, a public servant, induces Z erroneously to believe that A's influence with Government has obtained a title for Z and thus induces Z to give A money as a reward for this service. A has committed the offence defined in this section.

Taking gratification, in order, by corrupt or illegal means, to influence public servant

162. Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government or Legislature, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Taking gratification, for exercise of personal influence with public servant

163. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the

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Government or Legislature, or with any public servant, as such, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration

An advocate who receives a fee for arguing a case before a Judge; a person who receives pay for arranging and correcting a memorial addressed to Government, setting forth the services and claims of the memorialist; a paid agent for a condemned criminal, who lays before the Government statements tending to show that the condemnation was unjust, - are not within this section, inasmuch as they do not exercise or profess to exercise personal influence.

Punishment for abetment by public servant of offences defined in section 162 or 163

164. Whoever, being a public servant, in respect of whom either of the offences defined in the last two preceding sections is committed, abets the offence, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Illustration

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A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or with fine, or with both. A is punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Punishment for abetment of offences defined in sections 161 and 165

[59][165A. Whoever abets any offence punishable under section 161 or section 165 shall, whether the offence abetted is or is not committed in consequence of the abetment, be punished with the punishment provided for the offence.]

Certain abettors excepted

[60][165B. A person shall be deemed not to abet an offence punishable under section 161 or section 165 if he is induced, compelled, coerced, or intimidated to offer or give any such gratification as is referred to in section 161 for any of the purposes mentioned therein, or any valuable thing without consideration, or for an inadequate consideration, to any such public servant as is referred to in section 165.]

Public servant obtaining valuable thing, without consideration, from person concerned in proceeding or business transacted by such public servant

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The Penal Code, 1860.

165. Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself, or for any other person, any valuable thing without consideration, or for a consideration which he knows to be inadequate,

from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate,

or from any person whom he knows to be interested in or related to the person so concerned,

shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Illustrations

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(a) A, a Collector, hires a house of Z, who has a settlement case pending before him. It is agreed that A shall pay fifty taka a month, the house being such that, if the bargain were made in good faith, A would be required to pay two hundred taka a month. A has obtained a valuable thing from Z without adequate consideration.

(b) A, a Judge, buys of Z, who has a case pending in A's Court, Government promissory notes at a discount, when they are selling in the market at a premium. A has obtained a valuable thing from Z without adequate consideration.

(c) Z's brother is apprehended and taken before A, a Magistrate, on a charge of perjury. A sells to Z shares in a bank at a premium, when they are selling in the market at a discount. Z pays A for the shares accordingly. The money so obtained by A is a valuable thing obtained by him without adequate consideration.

Public servant disobeying law, with intent to cause injury to any person

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166. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a Court of Justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

Public servant framing an incorrect document with intent to cause injury

167. Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document, frames or translates that document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

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The Penal Code, 1860.

Public servant unlawfully engaging in trade

168. Whoever, being a public servant, and being legally bound as such public servant not to engage in trade, engages in trade, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Public servant unlawfully buying or bidding for property

169. Whoever, being a public servant, and being legally bound as such public servant, not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly, or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both; and the property, if purchased, shall be confiscated.

Personating a public servant

170. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description, for a term which may extend to two years, or with fine, or with both.

Wearing garb or carrying token used by public servant with fraudulent intent

171. Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it

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may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description, for a term which may extend to three months, or with fine which may extend to two hundred taka, or with both.

[61]CHAPTER IXA

OF OFFENCES RELATING TO ELECTIONS

"Candidate", "Electoral right" defined

171A. For the purposes of this Chapter -

(a) "candidate" means a person who has been nominated as a candidate at any election and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate thereat; provided that he is subsequently nominated as a candidate at such election;

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(b) "electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

Personation at elections

171D. Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

Punishment of bribery

171E. Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation.-Treating means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

Bribery

171B. (1) Whoever-

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(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right,

commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

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(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

Undue influence at elections

171C.(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

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(2) Without prejudice to the generality of the provisions of sub-section (1), whoever–

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

Punishment for undue influence or personation at an election

171F. Whoever commits the offence of undue influence of personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

False statement in connection with an election

171G. Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

Illegal payments in connection with an election

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171H. Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred taka:

Provided that if any person having incurred any such expenses not exceeding the amount of ten taka without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

Failure to keep election accounts

171-I. Whoever being required by any law for the time being in force on any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred taka.]

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CHAPTER X

OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

The Penal Code, 1860.

Absconding to avoid service of summons or other proceeding

172. Whoever absconds in order to avoid being served with a summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred taka, or with both;

or, if the summons or notice or order is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six month, or with fine which may extend to one thousand taka, or with both.

Preventing service of summons or other proceeding or preventing publication thereof

173. Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order,

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or intentionally prevents the lawful affixing to any place of any such summons, notice or order,

or intentionally removes any such summons, notice or order, from any place to which it is lawfully affixed,

or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made,

shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred taka, or with both;

or, if the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Non-attendance in obedience to an order from public servant

174. Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same,

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intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart,

shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred taka or with both;

or, if the summons, notice, order or proclamation is to attend in person or by agent in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

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Illustrations

(a) A, being legally bound to appear before the [62][Supreme Court of Bangladesh] in obedience to a subpoena issuing from that Court, intentionally omits to appear. A has committed the offence defined in this section.

(b) A, being legally bound to appear before a Zila Judge, as a witness, in obedience to a summons issued by that Zila Judge, intentionally omits to appear. A has committed the offence defined in this section.

Omission to produce document to public servant by person legally bound to produce it

175. Whoever, being legally bound to produce or deliver up any document to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred taka, or with both;

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or, if the document is to be produced or delivered up to a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Illustration

A, being legally bound to produce a document before a Zila Court, intentionally omits to produce the same. A has committed the offence defined in this section.

Omission to give notice or information to public servant by person legally bound to give it

176. Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred taka, or with both;

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or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both;

or, if the notice or information required to be given is required by an order passed under sub-section (1) of section 565 of the Code of Criminal Procedure, 1898, with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Furnishing false information

177. Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both;

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or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations

(b) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being bound, under [63][any law for the time being in force], to give early and punctual information of the above fact to the officer of the nearest police station, wilfully misinforms the police-officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in different direction. Here A is guilty of the offence defined in the latter part of this section.

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Explanation.-In section 176 and in this section the word "offence" includes any act committed at any place out of Bangladesh, which, if committed in Bangladesh, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435,

436, 449, 450, 457, 458, 459 and 460; and the word "offender' includes any person who is alleged to have been guilty of any such act.

Refusing oath or affirmation when duly required by public servant to make it

178. Whoever refuses to bind himself by an oath or affirmation to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Refusing to answer public servant authorized to question

179. Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Refusing to sign statement

180. Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred taka, or with both.

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The Penal Code, 1860.

False statement on oath or affirmation to public servant or person authorized to administer an oath or affirmation

181. Whoever, being legally bound by an oath or affirmation to state the truth on any subject to any public servant or other person authorized by law to administer such oath or affirmation, makes, to such public servant or other person or as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

False information with intent to cause public servant to use his lawful power to the injury of another person

182. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant–

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(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(b) to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine may extend to one thousand taka, or with both.

Illustrations

(a) A informs a Magistrate that Z, a police officer, subordinate to such Magistrate, has been guilty of neglect of duty or misconduct knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

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(b) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will

be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section.

(c) A falsely informs a policeman that he has been assaulted and robbed in the neighborhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section.

Resistance to the taking of property by the lawful authority of a public servant

183. Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Obstructing sale of property offered for sale by authority of public servant

184. Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred taka, or with both.

Illegal purchase or bid for property offered for sale by authority of public servant

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185. Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred taka, or with both.

Obstructing public servant in discharge of public functions

186. Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred taka, or with both.

Omission to assist public servant when bound by law to give assistance

187. Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred taka, or with both;

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and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of

preventing the commission of an offence, or of suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred taka, or with both.

Disobedience to order duly promulgated by public servant

188. Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction,

shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred taka, or with both;

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and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a

term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Explanation.-It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

Threat of injury to public servant

189. Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of

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such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Threat of injury to induce person to refrain from applying for protection to public servant

190. Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

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CHAPTER XI

OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

Giving false evidence

191. Whoever being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.Explanation 1.-A statement is within the meaning of this section, whether it is made verbally or otherwise.

Explanation 2.-A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Illustrations

(a) A, in support of a just claim which B has against Z for one thousand taka falsely swears on a trial that he heard Z admit the justice of B's claim, A has given false evidence.

(b) A, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

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(c) A, Knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence whether Z was at that place on the day named or not.

(e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement of document, which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation. A has given false evidence.

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Fabricating false evidence

192. Whoever causes any circumstance to exist or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before

a public servant as such, or before an arbitrator, and that such

circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate the evidence."

Illustrations

(a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(b) A makes a false entry in his Shop-book for the purpose of using it as corroborative evidence in a Court of Justice. A has fabricated false evidence.

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(c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the Police are likely to search. A has fabricated false evidence.

Punishment for false evidence

193. Whoever intentionally gives false evidence in any stage of judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

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and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1.-A trial before a Court-martial is a judicial proceeding.

Explanation 2.-An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding. A has given false evidence.

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Explanation 3.-An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration

A, in an enquiry before an officer deputed by a Court of Justice to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Giving or fabricating false evidence with intent to procure conviction of capital offence; if innocent person be thereby convicted and executed

194. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by any law for the time being in force, shall be punished with [64][imprisonment] for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine;

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and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment herein before described.

The Penal Code, 1860.

Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment

195. Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by any law for the time being in force is not capital, but punishable with [65][imprisonment for life], or imprisonment for a term of seven

years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

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Illustration

A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is [66][imprisonment for life], or rigorous imprisonment for a

term which may extend to ten years, with or without fine. A, therefore, is liable to [67][such imprisonment for life] or imprisonment, with or without fine.

Using evidence known to be false

196. Whoever corruptly uses or attempts to use as true or genuine evidence, any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

Issuing or signing false certificate

197. Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as true a certificate known to be false

198. Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

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False statement made in declaration which is by law receivable as evidence

199. Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other persons, is bound or authorized by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false

or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

Using as true such declaration knowing it to be false

200. Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Explanation.-A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of sections 199 and 200.

Causing disappearance of evidence of offence, or giving false information to screen offender- if a capital offence; if punishable with imprisonment for life; if punishable with less than ten years' imprisonment

201. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false,

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shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

and if the offence is punishable with [68][imprisonment for life], or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

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Illustration

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

Intentional omission to give information of offence by person bound to inform

202. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Giving false information respecting an offence committed

203. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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Explanation.-In sections 201 and 202 and in this section the word "offence" includes any act committed at any place out of Bangladesh, which, if committed in Bangladesh, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.

The Penal Code, 1860.

Destruction of document to prevent its production as evidence

204. Whoever secrets or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant, as such, or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

False personation for purpose of act or proceeding in suit or prosecution

205. Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution

206. Whoever fraudulently removes, conceals, transfers or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court of Justice or other competent authority, or from

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being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Fraudulent claim to property to prevent its seizure as forfeited or in execution

207. Whoever fraudulently accepts, receives or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practices any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Fraudulently suffering decree for sum not due

208. Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due, or for a larger sum than is due to such person or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of

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which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustration

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this section.

Dishonestly making false claim in Court

209. Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court of Justice any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulently obtaining decree for sum not due

210. Whoever fraudulently obtains a decree or order against any person for a sum not due, or for a larger sum than is due, or for any property or interest in property to which he is not entitled, or

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fraudulently causes a decree or order to be executed against any person after it has been satisfied or for anything in respect of which it has been satisfied, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

False charge of offence made with intent to injure

211. Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

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and if such criminal proceeding be instituted on a false charge of an offence punishable with death, [69][imprisonment] for life, or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Harbouring offender if a capital offence; if punishable with imprisonment for life, or with imprisonment

212. Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment,

shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine;

and if the offence is punishable with [20][imprisonment] for life or with imprisonment which may extend to ten years, shall be, punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

and if the offence is punishable with imprisonment which may extend to one year, and not to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

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"Offence" in this section includes any act committed at any place out of Bangladesh, which, if committed in Bangladesh, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in Bangladesh.

Exception.–This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.

Illustration

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to [74][imprisonment] for life, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

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Taking gift, etc., to screen an offender from punishment- if a capital offence; if punishable with imprisonment for life, or with imprisonment

213. Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment,

shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

and if the offence is punishable with [72][imprisonment] for life, or with imprisonment which may extend to ten yeas, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

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and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Offering gift or restoration of property in consideration of screening offender- if a capital offence; if punishable with imprisonment for life, or with imprisonment

214. Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or to restore or cause the restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment,

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shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

and if the offence is punishable with [73][imprisonment] for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extent to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Exception.-The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded.

Taking gift to help to recover stolen property, etc.

215. Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any moveable property of which he shall have been deprived by any offence punishable under this Code, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

[Omitted]

216B. [Omitted by section 3 of the Penal Code (Amendment) Act, 1942 (Act No. VIII of 1942).]

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The Penal Code, 1860.

Harbouring offender who has escaped from custody or whose apprehension has been ordered- if a capital offence; if punishable with imprisonment for life, or with imprisonment

216. Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody,

or whenever a public servant, in the exercise of the lawful power of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, that is to say,

if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

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if the offence is punishable with [74][imprisonment] for life, or imprisonment for ten years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine;

and if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence or with fine, or with both.

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"Offence" in this section includes also any act or omission of which a person is alleged to have been guilty out of Bangladesh which, if he had been guilty of it in Bangladesh, would have been punishable as an offence, and for which he is, under any law relating to extradition, or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in

Bangladesh, and every such act or omission shall, for the purpose of this section, be deemed to be punishable as if the accused person had been guilty of it in Bangladesh.

Exception.–This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

Penalty for harbouring robbers or dacoits

216A. Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

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Explanation.-For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without Bangladesh.

Exception.–This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture

217. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture

218. Whoever, being a public servant, and being as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it

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is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Public servant in judicial proceeding corruptly making report, etc., contrary to law

219. Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a Judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Commitment for trial or confinement by person having authority who knows that he is acting contrary to law

220. Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or confinement, or keeps any person in confinement, in the exercise of that authority, knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Intentional omission to apprehend on the part of public servant bound to apprehend

221. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally

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aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:–

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with death; or

with imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with [75][imprisonment] for life or imprisonment for a term which may extend to ten years; or

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with imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for a term less than ten years.

The Penal Code, 1860.

Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed

222. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person under sentence of a Court of Justice for any offence or lawfully committed to custody, intentionally omits to apprehend such person, or intentionally suffers such person to escape or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows that is to say:-

with [76][imprisonment for life] or with imprisonment of either description for a term which may extend to fourteen years, with

or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death; or

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, is subject, by

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a sentence of a Court of Justice, or by virtue of a commutation of such sentence, to [77][imprisonment for life]

[78][* * *] or imprisonment for a term of ten years or upwards; or

with imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement, or who ought to have been apprehended is subject, by a sentence of a Court of Justice, to imprisonment for a term not extending to ten years or if the person was lawfully committed to custody.

Escape from confinement or custody negligently suffered by public servant

223. Whoever, being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence or lawfully committed to custody, negligently suffers such persons to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Resistance or obstruction by a person to his lawful apprehension

224. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes

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or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation.-The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for

225B. Whoever, in any case not provided for in section 224 or section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.]

Resistance or obstruction to lawful apprehension of another person

225. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any

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custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with [79][imprisonment for life] or imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to [80][imprisonment for life], [81][* * *] or imprisonment, for a term of ten years or upwards, shall be punished with

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imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with [82][imprisonment for life] or imprisonment of either description for a term not exceeding ten years, and shall also liable to fine.

Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for

[83][225A. Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 221, section 222 or section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished–

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(a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine or with both; and

(b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

[Omitted]

226. [Omitted by section 18 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).]

Violation of condition of remission of punishment

227. Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

Intentional insult or interruption to public servant sitting in judicial proceeding

228. Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Personation of a juror or assessor

229. Whoever by personation or otherwise, shall intentionally cause, or knowingly suffer himself to be returned, empanelled or sworn as a juryman or assessor in any case in which he knows that

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he is not entitled by law to be so returned, empanelled or sworn, or knowing himself to have been so returned, empanelled or sworn contrary to law, shall voluntarily serve on such jury or as such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CHAPTER XII

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS

"Coin" defined Bangladesh coin

230. Coin is metal used for the time being as money, and stamped and issued by the authority of some State or Sovereign Power in order to be so used.

Bangladesh coin is metal stamped and issued by the authority of the Government [84][* * *] in order to be used as money; and metal which has been so stamped and issued shall continue to be Bangladesh coin for the purposes of this Chapter, notwithstanding that it may have ceased to be used as money.

Illustrations

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(a) Cowries are not coin.

(b) Lumps of unstamped copper, though used as money, are not coin.

(c) Medals are not coin, inasmuch as they are not intended to be used as money.

(d) The coin denominated as the Company's taka is the Queen's coin.

(e) The "Farukhabad" taka, which was formerly used as money under the authority of the Government of India, is Bangladesh coin although it is no longer so used.

Counterfeiting coin

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231. Whoever counterfeits or knowingly performs any part of the process of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation.-A person commits this offence who intending to practice deception, or knowing it to be likely that deception will thereby be practiced, causes a genuine coin to appear like a different coin.

Counterfeiting Bangladesh coin

232. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting Bangladesh coin, shall be punished with imprisonment for life, or with [85][imprisonment] of either description for a term which may extend to ten years, and shall also be liable to fine.

Making or selling instrument for counterfeiting coin

233. Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells or disposes of, any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Making or selling instrument for counterfeiting Bangladesh coin

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234. Whoever makes or mends, or performs any part of the process of making or mending or buys, sells or disposes of, any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting Bangladesh coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Possession of instrument or material for the purpose of using the same for counterfeiting coin; if Bangladesh coin

235. Whoever is in possession of any instrument or material, for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

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and if the coin to be counterfeited is Bangladesh coin, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Abetting in Bangladesh the counterfeiting out of Bangladesh of coin

236. Whoever, being within Bangladesh, abets the counterfeiting of coin out of Bangladesh shall be punished in the same manner as if he abetted the counterfeiting of such coin within Bangladesh.

Import or export of counterfeit coin

The Penal Code, 1860.

237. Whoever imports into Bangladesh, or exports therefrom, any counterfeit coin, knowingly or having reason to believe that the same is counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Import or export of counterfeits of Bangladesh coin

238. Whoever imports into Bangladesh, or exports therefrom, any counterfeit coin which he knows or has reason to believe to be a counterfeit of Bangladesh coin, shall be punished with [86][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Delivery of coin, possessed with knowledge that it is counterfeit

239. Whoever, having any counterfeit coin which, at the time when he became possessed of it, he knew to be counterfeit, fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery of Bangladesh coin, possessed with knowledge that it is counterfeit

240. Whoever, having any counterfeit coin, which is a counterfeit of Bangladesh coin, and which, at the time when he became possessed of it, he knew to be a counterfeit of Bangladesh coin, fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

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Delivery of coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit

241. Whoever delivers to any other person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend is ten times the value of the coin counterfeited, or with both.

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Illustration

A, a coiner, delivers counterfeit Company's taka to his accomplice B, for the purpose of uttering them. B sells the taka to C, another, utterer, who buys them knowing them to be counterfeit. C pays away the taka for goods to D, who receives them, not knowing them to be counterfeit. D after receiving the taka, discovers that they are counterfeit and pays them away as if they were good. Here D is punishable only under this section, but B and C are punishable under section 239 or 240, as the case may be.

The Penal Code, 1860.

Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof

242. Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of Bangladesh coin by person who knew it to be counterfeit when he became possessed thereof

243. Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, which is a counterfeit of Bangladesh coin, having known at the time when he became possessed of it that it was counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Person employed in mint causing coin to be of different weight or composition from that fixed by law

244. Whoever, being employed in any mint lawfully established in Bangladesh, does any act, or omits what he is legally bound to do, with the intention of causing any coin issued from that mint to be of a different weight or composition from the weight or composition fixed by law, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall be liable to fine.

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The Penal Code, 1860.

Unlawfully taking coining instrument from mint

245. Whoever, without lawful authority, takes out of any mint, lawfully established in Bangladesh, any coining tool or instrument, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Fraudulently or dishonesty diminishing weight or altering composition of coin

246. Whoever fraudulently or dishonestly performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

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Explanation.-A person who scoops out part of the coin and puts anything else into the cavity alters the composition of that coin.

Fraudulently or dishonestly diminishing weight or altering composition of Bangladesh coin

247. Whoever fraudulently or dishonestly performs on any Bangladesh coin, any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Altering appearance of coin with intent that it shall pass as coin of different description

248. Whoever performs on any coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with

imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Altering appearance of Bangladesh coin, with intent that it shall pass as coin of different description

249. Whoever performs on any Bangladesh coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Delivery of coin, possessed with knowledge that it is altered

250. Whoever, having coin in his possession with respect to which the offence defined in section 246 or 248 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery of Bangladesh coin, possessed with knowledge that it is altered

251. Whoever, having coin in his possession with respect to which the offence defined in section 247 or 249 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud

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may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Possession of coin by person who knew it to be altered when he became possessed thereof

252. Whoever fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the section 246 or 248 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of Bangladesh coin by person who knew it to be altered when he became possessed thereof

253. Whoever fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the section 247 or 249 has been committed having known at the time of becoming possessed thereof, that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

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Delivery of coin as genuine which, when first possessed, the deliverer did not know to be altered

254. Whoever delivers to any other person as genuine or as a coin of a different description from what it is, or attempts to induce any person to receive as genuine, or as a different coin from what it is, any coin in respect of which he knows that any such operation as that mentioned in sections 246, 247, 248, or 249 has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin for which the altered coin is passed, or attempted to be passed.

Counterfeiting Government stamp

255. Whoever counterfeits or knowingly performs any part of the process of counterfeiting, any stamp issued by Government for the purpose of revenue, shall be punished with [87][imprisonment] for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

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Explanation.-A person commits this offence who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination.

The Penal Code, 1860.

Having possession of instrument or material for counterfeiting Government stamp

256. Whoever has in his possession any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or selling instrument for counterfeiting Government stamp

257. Whoever makes or performs any part of the process of making, or buys, or sells, or disposes of, any instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Sale of counterfeit Government stamp

258. Whoever sells, or offers for sale, any stamp which he knows or has reason to believe to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of counterfeit Government stamp

259. Whoever has in his possession any stamp which he knows to be a counterfeit of any stamp issued by Government for the purpose of revenue, intending to use, or dispose of the same as a

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genuine stamp, or in order that it may be used as a genuine stamp, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Using as genuine a Government stamp known to be counterfeit

260. Whoever uses as genuine any stamp, knowing it to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government

261. Whoever fraudulently or with intent to cause loss to the Government, removes or effaces from any substance, bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Using Government stamp known to have been before used

262. Whoever fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before

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used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Erasure of mark denoting that stamp has been used

263. Whoever fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark, put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession or sells or disposes of any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Prohibition of fictitious stamps

[88][263A. (1) Whoever–

(a) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses for any postal purpose any fictitious stamp, or

(b) has in his possession, without lawful excuse, any fictitious stamp, or

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(c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp,

shall be punished with fine which may extend to two hundred taka.

(2) Any such stamp, die, plate, instrument or materials in the possession of any person for making any fictitious stamp may be seized and shall be forfeited.

(3) In this section “fictitious stamp" means any stamp falsely purporting to be issued by Government for the purpose of denoting a rate of postage or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government for that purpose.

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(4) In this section and also in sections 255 to 263, both inclusive, the word “Government" when used in connection with, or in reference to, any stamp issued for the purpose of denoting a rate of postage, shall, notwithstanding anything in section 17, be deemed to include the person or persons authorized by law to administer executive government in any part of Bangladesh, and also in any part of Her Majesty's dominions or in any foreign country.]

CHAPTER XIII

OF OFFENCES RELATING TO WEIGHTS AND MEASURES

Fraudulent use of false instrument for weighing

264. Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Fraudulent use of false weight or measure

265. Whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

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Being in possession of false weight or measure

266. Whoever is in possession of any instrument for weighing, or of any weight, or of any measure of length or capacity, which he knows to be false, and intending that the same may be fraudulently used, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Making or selling false weight or measure

267. Whoever makes, sells or disposes of any instrument for weighing, or any weight, or any measure of length or capacity which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine or with both.

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CHAPTER XIV

OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS

Public nuisance

268. A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general

who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, dangers or annoyance to persons who may have occasion to use any public right.A common nuisance is not excused on the ground that it causes some convenience or advantage.

Negligent act likely to spread infection of disease dangerous to life

269. Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Malignant act likely to spread infection of disease dangerous to life

270. Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Disobedience to quarantine rule

271. Whoever knowingly disobeys any rule made and promulgated by the Government for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

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The Penal Code, 1860.

Adulteration of food or drink intended for sale

272. Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Sale of noxious food or drink

273. Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Adulteration of drugs

274. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

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The Penal Code, 1860.

Sale of adulterated drugs

275. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Sale of drug as a different drug or preparation

276. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medicinal preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Fouling water or public spring or reservoir

277. Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred taka or with both.

Making atmosphere noxious to health

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The Penal Code, 1860.

278. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighborhood or passing along a public way, shall be punished with fine which may extend to five hundred taka.

Rash driving or riding on a public way

279. Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to [89][three years, or with fine which may, subject to the minimum of one thousand taka, extend to five thousand taka] or with both.

[90][Explanation. Any person driving any vehicle, or riding, on any public way, in a speed which exceeds the limit prescribed in this behalf by or under any law for the time being in force shall, for the purpose of this section, be deemed to have driven so rashly or negligently as to endanger human life, or cause hurt or injury to any other person.]

Rash navigation of vessel

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The Penal Code, 1860.

280. Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Exhibition of false light, mark or buoy

281. Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Conveying person by water for hire in unsafe or over-loaded vessel

282. Whoever knowingly or negligently conveys, or causes to be conveyed for, hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Danger or obstruction in public way or line of navigation

283. Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred taka.

Negligent conduct with respect to poisonous substance

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The Penal Code, 1860.

284. Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person,

or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against probable danger to human life from such poisonous substance,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, which may extend to one thousand taka, or with both.

Negligent conduct with respect to fire or combustible matter

285. Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person,

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or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Negligent conduct with respect to explosive substance

286. Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person,

or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Negligent conduct with respect to machinery

287. Whoever does, with any machinery, any act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person,

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or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Negligent conduct with respect to pulling down or repairing buildings

288. Whoever, in pulling down or repairing any building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Negligent conduct with respect to animal

289. Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

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The Penal Code, 1860.

Punishment for public nuisance in cases not otherwise provided for

290. Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred taka.

Continuance of nuisance after injunction to discontinue

291. Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Sale, etc., of obscene books, etc.

292. Whoever–

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(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or

(b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or

(c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or

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(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or

(e) offers or attempts to do any act which is an offence under this section,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception.- This section does not extend to any book, pamphlet, writing, drawing or painting kept or used bona fide for religious purposes or any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

Sale, etc., of obscene objects to young person

293. Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Obscene acts and songs

294. Whoever, to the annoyance of others,

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(a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene songs, ballad or words, in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Keeping lottery-office

[91][294A. Whoever keeps any office or place for the purpose of drawing any lottery not being a State lottery or a lottery authorized by the Government shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery shall be punished with fine which may extend to one thousand taka.]

Offering of prize in connection with trade, etc.

[92][294B. Whoever offers, or undertakes to offer, in connection with any trade or business or sale of any commodity, any prize, reward or other similar consideration, by whatever name called,

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whether in money or kind, against any coupon, ticket, number or figure, or by any other device, as an inducement or encouragement to trade or business or to the buying of any commodity, or for the purpose of advertisement or popularising any commodity, and whoever publishes any such offer, shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine, or with both.]

CHAPTER XV

OF OFFENCES RELATING TO RELIGION

Injuring or defiling place of worship, with intent to insult the religion of any class

295. Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs

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The Penal Code, 1860.

[93][295A. Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Bangladesh, by words, either spoken or written, or by visible representations insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.]

Disturbing religious assembly

296. Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Trespassing on burial places, etc.

297. Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby,

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commits any trespass in any place of worship or on any place of sepulture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies,

shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Uttering words, etc., with deliberate intent to wound religious feelings

298. Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

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CHAPTER XVI

OF OFFENCES AFFECTING THE HUMAN BODY

Of Offences affecting Life

Culpable homicide

The Penal Code, 1860.

299. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations

(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

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(c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B or cause death by doing an act that he knew was likely to cause death.

Explanation 1. A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

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Explanation 2. Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3. The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

The Penal Code, 1860.

Murder

300. Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or-

Secondly.-If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or –

Thirdly.-If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or –

Fourthly.--f the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

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Illustrations

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death or such bodily injury as in the ordinary course of nature would cause death.

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(c) A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.

(d) A without any excuse fires a loaded cannon into a crowd of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

When culpable homicide is not murder

Exception 1.-Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or cause the death of any other person by mistake or accident.

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The above exception is subject to the following provisos:—

Firstly.-That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly.-That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly.-That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation.- Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

Illustrations

(a) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

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(b) Y gives grave and sudden provocation to A. A, on this provocation fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

(c) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in the exercise of his powers.

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(d) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition, and that A has perjured himself, A is moved to sudden passion by these words, and kills Z. This is murder.

(e) A attempts to pull Z's nose. Z, in exercise of the right of private defense, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defense.

(f) Z strikes B. B is by this provocation excited to violent rage. A, a by stander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2.- Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defense of person or property, exceeds the powers given to him by law and causes the death of the person against whom he is exercising such right of defense without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defense.

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Illustration

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that can by no other means prevent himself

from being horsewhipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3.- Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

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Exception 4.-Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

Explanation.- It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5.- Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

Illustration

A, by instigation, voluntarily causes Z, a person under eighteen years of age, to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

Culpable homicide by causing death of person other than person whose death was intended

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301. If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person, whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description

of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

Punishment for murder

302. Whoever commits murder shall be punished with death, or [94][imprisonment] for life, and shall also be liable to fine.

Punishment for murder by life-convict

303. Whoever, being under sentence of [95][imprisonment] for life, commits murder, shall be punished with death.

Causing death by negligence

[96][304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to [97][five] years, or with fine, or with both.]

Causing death by rash driving or riding on a public way

[98][304B. Whoever causes the death of any person by rash or negligent driving of any vehicle or riding on any public way not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to [99][three years], or with fine, or with both.]

Punishment for culpable homicide not amounting to murder

304. Whoever commits culpable homicide not amounting to murder, shall be punished with [100][imprisonment] for life, or imprisonment of either description for a term which may extend

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to ten years, and shall also be liable to fine, if the act by which the death is caused is done with intention of causing death, or of causing such bodily injury as is likely to cause death;

or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death or to cause such bodily injury as is likely to cause death.

Abetment of suicide of child or insane person

305. If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication commits suicide, whoever abets the commission

of such suicide shall be punished with death or [101][imprisonment] for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

Abetment of suicide

306. If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Attempt to murder Attempts by life-convicts

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The Penal Code, 1860.

307. Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if hurt is caused to any person by such act, the offender shall be liable either to [102][imprisonment] for life, or to such punishment as is hereinbefore mentioned.

When any person offending under this section is under sentence of [103][imprisonment] for life, he may, if hurt is caused, be punished with death.

Illustration

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this section.

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(b) A with the intention of causing the death of a child of tender years exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensue.

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds, he is liable to the punishment provided by the latter part of the first paragraph of this section.

(d) A, intending to murder Z, by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence in this section. A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this section.

Attempt to commit culpable homicide

308. Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished

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with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Illustration

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.

Attempt to commit suicide

309. Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Thug

310. Whoever, at any time after the passing of this Act, shall have been habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder, is a thug.

Punishment

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311. Whoever is a thug, shall be punished with [104][imprisonment] for life, and shall also be liable to fine.

Of the causing of Miscarriage, of Injuries to unborn Children, of the Exposure of Infants, and of the Concealment of Births.

Causing miscarriage

312. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

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Explanation.-A woman who causes herself to miscarry, is within the meaning of this section.

Causing miscarriage without women's consent

313. Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with [105][imprisonment]

for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Death caused by act done with intent to cause miscarriage

314. Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description

for a term which may extend to ten years, and shall also be liable to fine,

If act done without women's consent

and if the act is done without the consent of the woman, shall be punished either with [106][imprisonment] for life, or with the punishment above-mentioned.

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Explanation.It is not essential to this offence that the offender should know that the act is likely to cause death.

Act done with intent to prevent child being born alive or to cause it to die after birth

315. Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in

good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Causing death of quick unborn child by act amounting to culpable homicide

316. Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

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Illustration

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured but does not die; but the death of an unborn quick child with which she is pregnant thereby caused. A is guilty of the offence defined in this section.

Exposure and abandonment of child under twelve years by parent or person having care of it

The Penal Code, 1860.

317. Whoever being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation.–This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.

Concealment of birth by secret disposal of dead body

318. Whoever, by secretly burying or otherwise disposing of the dead body of a child whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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Of Hurt

Hurt

319. Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

Grievous hurt

320. The following kinds of hurt only are designated as "grievous":-

Firstly.-Emasculation.

Secondly.-Permanent privation of the sight of either eye.

Thirdly.-Permanent privation of the hearing of either ear.

Fourthly.-Privation of any member or joint.

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Fifthly.-Destruction or permanent impairing of the powers of any member or joint.

Sixthly.-Permanent disfiguration of the head or face.

Seventhly.-Fracture or dislocation of a bone or tooth.

Eighthly.-Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.

Voluntarily causing hurt

321. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

Voluntarily causing grievous hurt

322. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said “voluntarily to cause grievous hurt".

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Explanation.-A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

Punishment for voluntarily causing hurt

323. Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand taka, or with both.

Voluntarily causing hurt by dangerous weapons or means

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The Penal Code, 1860.

324. Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire

or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for voluntarily causing grievous hurt

325. Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Voluntarily causing grievous hurt by dangerous weapons or means

326. Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to

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receive into the blood, or by means of any animal, shall be punished with [107][imprisonment] for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing grievous hurt in respect of both eyes, hand or face by means of corrosive substance, etc.

[108][326A. Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt of the kind mentioned in

(a) clause secondly of section 320 in respect of both the eyes either by gouging out the same or by means of any corrosive substance; or

(b) clause sixthly of section 320 by means of any corrosive substance,

shall be punished with death, or [109][imprisonment] for life and shall also be liable to fine.]

Voluntarily causing hurt to extort property or to constrain to an illegal act

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The Penal Code, 1860.

327. Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer, or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Causing hurt by means of poison, etc., with intent to commit an offence

328. Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or un- wholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act

329. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything that is illegal or which may facilitate the commission of an offence, shall be punished with [110][imprisonment] for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt to extort confession, or to compel restoration of property

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The Penal Code, 1860.

330. Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

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Illustrations

(a) A, a police-officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

(a) A, a police-officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.

(b) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.

(c) A, a zamindar, tortures a raiyat in order to compel him to pay his rent. A is guilty of an offence under this section.

Voluntarily causing grievous hurt to extort confession, or to compel restoration of property

331. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt to deter public servant from his duty

332. Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted

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to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Voluntarily causing grievous hurt to deter public servant from his duty

333. Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt on provocation

334. Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred taka, or with both.

Voluntarily causing grievous hurt on provocation

335. Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person

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who gave the provocation shall be punished with imprisonment of either description for a term which may extend to four years, or with fine which may extend to two thousand taka, or with both.

Explanation. The last two sections are subject to the same provisos as Exception 1, section 300.

Act endangering life or personal safety to others

336. Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred and fifty taka, or with both.

Causing hurt by act endangering life or personal safety of others

337. Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred taka, or with both.

Causing grievous hurt by act endangering life or personal safety of others

338. Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extent to two years, or with fine which may extend to [111][five thousand taka], or with both.

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Causing grievous hurt by rush driving or riding on a public way

[112][338A. Whoever causes grievous hurt to any person by driving any vehicle or riding on any public way so rashly or negligently as to endanger human life, or the personal safety of others shall be punished with imprisonment of either description for a term which may extend to [113][two years], or with fine, or with both.]

Of Wrongful Restraint and Wrongful Confinement

Wrongful restraint

339. Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

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Exception. The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Illustration

A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

Wrongful confinement

340. Whoever wrongfully restrains any person in such a manner as to prevent that person form proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

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(b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

Punishment for wrongful restraint

The Penal Code, 1860.

341. Whoever wrongfully restrains any person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred taka, or with both.

Punishment for wrongful confinement

342. Whoever wrongfully confines any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand taka, or with both.

Wrongful confinement for three or more days

343. Whoever wrongfully confines any person for three days or more, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Wrongful confinement for ten or more days

344. Whoever wrongfully confines any person for ten days, or more, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement of person for whose liberation writ has been issued

345. Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a

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term which may extend to two years in addition to any term of imprisonment to which he may be liable under any other section of this Chapter.

Wrongful confinement in secret

346. Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any other punishment to which he may be liable for such wrongful confinement.

Wrongful confinement to extort property or constrain to illegal act

347. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement to extort confession or compel restoration of property

348. Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which

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may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Of Criminal Force and Assault

Force

349. A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:

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Firstly. By his own bodily power.

Secondly. By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person.

Thirdly. By inducing any animal to move, to change its motion, or to cease to move.

Criminal force

350. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

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Illustrations

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by

disposing substances in such a manner that the motion is produced without any other action on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

(b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has used criminal force to Z.

(c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence. A has used criminal force to Z.

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(d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.

(e) A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water, and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z, or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.

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(f) A intentionally pulls up a woman's veil. Here A intentionally uses force to her, and if he does so without her consent intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.

(g) Z is bathing, A pours into the bath water which he knows to be boiling. Here A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling: A has therefore intentionally used force to Z; and if he has done this without Z's consent intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to Z, A has used criminal force.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear or annoyance to Z, he uses criminal force to Z.

Assault

351. Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

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Explanation.- Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending, or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

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(c) A takes up a stick, saying to Z, "I will give you a beating". Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

Punishment for assault or criminal force otherwise than on grave provocation

The Penal Code, 1860.

352. Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred taka, or with both.

Explanation.- Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence, or

if the provocation is given by anything done in obedience to the law, or by a public servant, in the lawful exercise of the powers of such public servant, or

if the provocation is given by anything done in the lawful exercise of the right of private defence.

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Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

Assault or criminal force to deter public servant from discharge of his duty

353. Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence

of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to [114][three years], or with fine, or with both.

Assault or criminal force to woman with intent to outage her modesty

354. Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force with intent to dishonour person, otherwise than on grave provocation

355. Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished

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with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force in attempt to commit theft of property carried by a person

356. Whoever assaults or uses criminal force to any person in attempting to commit theft on any property which that person is then wearing or carrying shall be punished with imprisonment of either description for a term which may extent to two years, or with fine, or with both.

Assault or criminal force in attempt wrongfully to confine a person

357. Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand taka, or with both.

Assault or criminal force on grave provocation.

358. Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred taka, or with both.

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Explanation.-The last section is subject to the same Explanation as section 352.

Of Kidnapping, Abduction, Slavery and Forced Labour

The Penal Code, 1860.

Kidnapping

359. Kidnapping is of two kinds: kidnapping from Bangladesh, and kidnapping from lawful guardianship.

Kidnapping from Bangladesh, etc.

360. Whoever conveys any person beyond the limits of Bangladesh without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Bangladesh.

Kidnapping from lawful guardianship

361. Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

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Explanation.-The words "lawful guardian" in this section include any person lawfully entrusted with the care or custody of such minor or other person.

Exception.-This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

Abduction

362. Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Punishment for kidnapping

363. Whoever kidnaps any person from Bangladesh or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Kidnapping or abducting a person under the age of ten

[115][364A. Whoever kidnaps or abducts any person under the age of ten, in order that such person may be murdered or subjected to grievous hurt, or slavery, or to the lust of any person or may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery, or to the lust of any person shall be punished with death or with [116][imprisonment] for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years.]

Kidnapping or abducting in order to murder

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364. Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with [117][imprisonment] for life or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations

(a) A kidnaps Z from Bangladesh, intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this section.

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Kidnapping or abducting with intent secretly and wrongfully to confine person

365. Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

The Penal Code, 1860.

Kidnapping or abducting or inducing woman to compel her marriage, etc.

366. Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

Procuration of minor girl

[118][366A. Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

Importation of girl from foreign country

366B. Whoever imports into Bangladesh from any country outside Bangladesh any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person,

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The Penal Code, 1860.

[119][* * *]

shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.]

Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.

367. Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Wrongfully concealing or keeping in confinement, kidnapped or abducted person

368. Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that for which he conceals or detains such person in confinement.

Kidnapping or abducting child under ten years with intent to steal from its person

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The Penal Code, 1860.

369. Whoever kidnaps or abducts any child under the age of ten years with the intention of taking dishonestly any moveable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Buying or disposing of any person as a slave

370. Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Habitual dealing in slaves

Buying or disposing of any person as a slave

371. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with [120][imprisonment] for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Selling minor for purposes of prostitution, etc.

Habitual dealing in slaves

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The Penal Code, 1860.

372. Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution of illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Selling minor for purposes on prostitution, etc.

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Explanation I.- When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

Explanation II.- For the purposes of this section "illicit intercourse" means sexual intercourse between person not united by marriage or by any union or tie which, though not amounting to a

marriage, is recognized by the personal law or custom of the community to which they belong or, where they belong

to different communities, of both such communities, as constituting between them a quasi-marital relation.

Buying minor for purposes of prostitution, etc.

373. Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

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Explanation I.-Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

Explanation II.-'Illicit intercourse' has the same meaning as in section 372.

Unlawful compulsory labour

374. (1) Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

(2) Whoever compels a prisoner of war or a protected person to serve in the armed forces of Bangladesh shall be punished with imprisonment of either description for a term which may extend to one year.

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Explanation. In this section the expressions "prisoner of war" and "protected person" shall have the same meaning as have been assigned to them respectively by Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, and Article 4 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, [121][* * *].

The Penal Code, 1860.

Of Rape

Rape

375. A man is said to commit "rape" who except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:

Firstly. Against her will.

Secondly. Without her consent.

Thirdly. With her consent, when her consent has been obtained by putting her in fear of death, or of hurt.

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Fourthly. With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly. With or without her consent, when she is under fourteen years of age.

Explanation. Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception. Sexual intercourse by a man with his own wife, the wife not being under thirteen years of age, is not rape.

Punishment for rape

376. Whoever commits rape shall be punished with [122][imprisonment] for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, unless the woman raped is his own wife and is not under twelve years of age, in which case he shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Of Unnatural Offences

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Unnatural offences

377. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with [123][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.Explanation. Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

CHAPTER XVII

OF OFFENCES AGAINST PROPERTY

Of Theft

Theft

378. Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

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Explanation 1.-A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2.-A moving effected by the same act which effects the severance may be a theft.

Explanation 3.-A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

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Explanation 4.-A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.-The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

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(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(d) A being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

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(f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(g) A finds a ring lying on the high-road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(i) A delivers his watch to Z, a jeweler, to be regulated. Z carries it to his shop. A, not owing to the jeweler any debt for which the jeweler might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

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(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(k) Again, if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property inasmuch as he takes it dishonestly.

(l) A takes an article belonging to Z out of Z's possession without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft.

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(m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n) A asks charity from Z's wife. She gives A money, food and clothes, which A knows to belong to Z her husband. Here it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(o) A is the paramour of Z's wife. She gives A valuable property, which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property dishonestly, he commits theft.

(p) A, in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft.

Punishment for theft

379. Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Theft in dwelling-house, etc.

380. Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or use for the custody of property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Theft by clerk or servant of property in possession of master

381. Whoever being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be

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punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft

382. Whoever commits theft, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

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Illustrations

(a) A commits theft on property in Z's possession; and, while committing this theft, he has a loaded pistol under his garment having provided this pistol for the purpose of hunting Z in case Z should resist. A has committed the offence defined in this section.

(b) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

Of Extortion

Extortion

383. Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in [124][fear to give donation or subscription of any kind or to deliver] to any person any property or valuable security or anything signed or sealed which may be converted into a valuable security, commits "extortion".

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Illustrations

(a) A threatens to publish a defamatory libel concerning Z unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrongful confinement unless Z will sign and deliver to A a promissory note binding Z to pay certain money to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send club-men to plough up Z's field unless Z will sign and deliver to B and bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

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(d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

Punishment for extortion

384. Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Putting person in fear of injury in order to commit extortion

The Penal Code, 1860.

385. Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear, of any injury, shall be punished with imprisonment of either description for a term which may extend to [125][fourteen years and shall not be less than five years], or with fine, or with both.

Extortion by putting a person in fear of death or grievous hurt

386. Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Putting person in fear of death or of grievous hurt, in order to commit extortion

387. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment [126][for life and shall not be less than seven years], and shall also be liable to fine.

Extortion by threat of accusation of an offence punishable with death or imprisonment, etc.

388. Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with [127][imprisonment for life], or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be

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liable to fine; and, if the offence be one punishable under section 377 of this Code, may be punished with [128][imprisonment for life.]

Putting person in fear of accusation of offence in order to commit extortion

389. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed, or attempted to commit, an offence punishable with death or with [129][imprisonment] for life, or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if the offence be punishable under section 377 of this Code, may be punished with [130][imprisonment] for life.

Of Robbery and Dacoity

Robbery

390. In all robbery there is either theft or extortion.

When theft is robbery

Theft is "robbery" if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.

When extortion is robbery

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Extortion is “robbery” if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, instant hurt, or of instant wrongful restraint to that person, or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Explanation.-The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

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Illustrations

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(b) A meets Z on the high-road, shows a pistol, and demands Z's purse, Z, in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(c) A meets Z and Z's child on the high-road. A takes the child, and threatens to fling it down a precipice, unless Z deliver his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

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(d) A obtains property from Z by saying-"Your child is in the hands of my gang, and will be put to death unless you send us ten thousand taka". This is extortion, and punishable as such: but it is not robbery, unless Z is put in fear of the instant death of his child.

Dacoity

391. When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons

present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit "dacoity".

Punishment for robbery

392. Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and, if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.

Attempt to commit robbery

393. Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Voluntarily causing hurt in committing robbery

394. If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery shall be punished with [131][imprisonment] for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Punishment for dacoity

395. Whoever commits dacoity shall be punished with [132][imprisonment] for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Dacoity with murder

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The Penal Code, 1860.

396. If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or [133][imprisonment] for life, or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Robbery or dacoity, with attempt to cause death or grievous hurt

397. If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

Attempt to commit robbery or dacoity when armed with deadly weapon

398. If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years.

Making preparation to commit dacoity

399. Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Punishment for belonging to gang of dacoits

400. Whoever, at any time after the passing of this Act, shall belong to a gang of persons associated for the purpose of habitually committing dacoity, shall be punished with [134][imprisonment] for life,

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or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Punishment for belonging to gang of thieves

401. Whoever, at any time after the passing of this Act, shall belong to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery, and not being a gang of thugs or dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Assembling for purpose of committing dacoity

402. Whoever, at any time after the passing of this Act, shall be one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Of Criminal Misappropriation of Property

Dishonestly misappropriation of property

403. Whoever dishonestly misappropriates or converts to his own use any moveable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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Illustrations

(a) A takes property belonging to Z out of Z's possession in good faith, believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the

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book for the purpose of reading it, A has not committed theft. But if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) A and B, being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But, if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation 1.-A dishonest misappropriation for a time only is a misappropriation within the meaning of this section.

Illustration

A finds a Government promissory note belonging to Z, bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending at future time to restore it to Z. A has committed an offence under this section.

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Explanation 2.-A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time to enable the owner to claim it.

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What are reasonable means or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it, it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

Illustrations

(a) A finds a taka on the high-road, not knowing to whom the taka belongs. A picks up the taka. Here A has not committed the offence defined in this section.

(b) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A knows that this person can direct him to the person on whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

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(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.

(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.

Dishonestly misappropriation of property possessed by deceased person at the time of his death

404. Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine; and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

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Illustration

Z dies in possession of furniture and money. His servant A, before the money comes into possession of any person entitled to such possession dishonestly misappropriates it. A has committed the offence defined in this section.

Of Criminal Breach of Trust

Criminal breach of trust

405. Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust". Illustrations

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(a) A, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.

(b) A is a warehouse-keeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse-room. A dishonestly sells the goods. A has committed criminal breach of trust.

(c) A, residing in Dhaka, is agent for Z, residing at [135][Chittagong]. There is an express or implied contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z's direction. Z remits a lakh of taka to A, with directions to A to invest the same in Company's paper. A dishonestly disobeys the directions and employs the money in his own business. A has committed criminal breach of trust.

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(d) But if A, in the last illustration, not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions, and buys shares in the Bank of Bengal, for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.

(e) A, a revenue-officer, is entrusted with public money and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

Punishment for criminal breach of trust

406. Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Criminal breach of trust by carrier, etc.

407. Whoever, being entrusted with property as a carrier, wharfinger or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by clerk or servant

408. Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal

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breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by public servant, or by banker, merchant or agent

409. Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with [136][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Of the Receiving of Stolen Property

Stolen property

410. Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as "stolen property," whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without Bangladesh. But, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

Dishonestly receiving stolen property

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411. Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Dishonestly receiving property stolen in the commission of a dacoity

412. Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or dishonestly receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with [137][imprisonment] for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Habitually dealing in stolen property

413. Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with [138][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Assisting in concealment of stolen property

414. Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

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The Penal Code, 1860.

Of Cheating

Cheating

415. Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat".

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Explanation.–A dishonest concealment of facts is a deception within the meaning of this section.

Illustrations

(a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean, to pay. A cheats.

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article, A cheats.

(c) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

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(d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.

(e) A, by pledging as diamonds articles which he knows are not diamonds intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats.

(f) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.

(g) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not intent to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

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(h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats.

(i) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z, without disclosing the fact of the previous sale and conveyance to B, and receive the purchase or mortgage money from Z, A cheats.

Cheating by personation

The Penal Code, 1860.

416. A person is said to "cheat by personation" if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.

Explanation.-The offence is committed whether the individual personated is a real or imaginary person.

Illustrations

(a) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.

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(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

Punishment for cheating

417. Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

The Penal Code, 1860.

Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect

418. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound either by law, or by legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for cheating by personation

419. Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Cheating and dishonestly inducing deliver of property

420. Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable to being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

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Of Fraudulent Deeds and Dispositions of Property

Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors

The Penal Code, 1860.

421. Whoever dishonestly or fraudulently removes, conceals or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonestly or fraudulently preventing debt being available for creditors

422. Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent execution of deed of transfer containing false statement of consideration

423. Whoever dishonestly or fraudulently signs, executes or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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Dishonest or fraudulent removal or concealment of property

424. Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Of Mischief

Mischief

425. Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits "mischief".

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Explanation 1.-It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2.-Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations

(a) A voluntarily burns a valuable security belonging to Z intending to cause wrongful loss to Z. A has committed mischief.

(b) A introduces water into an ice-house belonging to Z and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

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(c) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief.

(e) A having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. A has committed mischief.

(f) A, causes a ship to be cast away, intending thereby to cause damage to Z who has lent money on bottomry on the ship. A has committed mischief.

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(g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed mischief.

Punishment for mischief

426. Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Mischief causing damage to the amount of fifty taka

427. Whoever commits mischief and thereby causes loss or damage to the amount of fifty taka or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Mischief by killing or maiming animal of the value of ten taka

428. Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten taka or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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The Penal Code, 1860.

Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty taka

429. Whoever commits mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, or any other animal of the value of fifty taka or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to works of irrigation or by wrongfully diverting water

430. Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to public road, bridge, river or channel

431. Whoever commits mischief by doing any act which renders or which he knows to be likely to render any public road, bridge, navigable river or navigable channel, natural or artificial, impassable or less safe for traveling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by causing inundation or obstruction to public drainage attended with damage

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The Penal Code, 1860.

432. Whoever commits mischief by doing any act which causes or which he knows to be likely to cause an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by destroying, moving or rendering less useful a light-house or sea-mark

433. Whoever commits mischief by destroying or moving any light-house or other light used as a sea-mark, or any sea-mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such light-house, sea-mark, buoy or other such thing as aforesaid less useful as a guide for navigators, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Mischief of destroying or moving, etc., a land-mark fixed by public authority

434. Whoever commits mischief by destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten taka

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The Penal Code, 1860.

435. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of one hundred taka or upwards or (where the property is agricultural produce) ten taka or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

Mischief by fire or explosive substance with intent to destroy house, etc.

436. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with [139][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Mischief with intent to destroy or make unsafe a decked vessel or one of twenty tons burden

437. Whoever commits mischief to any decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe, that vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

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The Penal Code, 1860.

Punishment for the mischief described in section 437 committed by fire or explosive substance

438. Whoever commits, or attempts to commit, by fire or any explosive substance, such mischief as is described in the last preceding section, shall be punished with [140][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.

439. Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Mischief committed after preparation made for causing death or hurt

440. Whoever commits mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or of hurt or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

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Of Criminal Trespass

The Penal Code, 1860.

Criminal trespass

441. Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property,or, having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit "criminal trespass".

House-trespass

442. Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit "house-trespass".

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Explanation.-The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

Lurking house-trespass

443. Whoever commits house-trespass having taken precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit "lurking house-trespass".

Lurking house trespass by night

The Penal Code, 1860.

444.. Whoever commits lurking house-trespass after sunset and before sunrise, is said to commit "lurking house-trespass by night".

House-breaking

445. A person is said to commit “house-breaking" who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or, having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say:—

Firstly.-If he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house-trespass.

Secondly.-If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building.

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Thirdly.-If he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house-trespass by any means by which that passage was not intended by the occupier of the house to be opened.

Fourthly.-If he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.

Fifthly.-If he effects his entrance or departure by using criminal force or committing an assault, or by threatening any person with assault.

Sixthly.-If he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass.

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Explanation.-Any out-house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustrations

(a) A commits house-trespass by making a hole through the wall of Z's house, and putting his hand through the aperture. This is house-breaking.

(b) A commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.

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(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house-breaking.

(a) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

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(b) Z is standing in his doorway. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house breaking.

(h) Z, the door-keeper of Y, is standing in Y's doorway. A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

House-breaking by night

The Penal Code, 1860.

446. Whoever commits house-breaking after sunset and before sunrise, is said to commit "house-breaking by night".

Punishment for criminal trespass

447. Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred taka, or with both.

Punishment for house-trespass

448. Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand taka, or with both.

House-trespass in order to commit offence punishable with death

449. Whoever commits house-trespass in order to the committing of any offence punishable with death, shall be punished with [imprisonment] for life, or with rigorous imprisonment for a term not exceeding ten years, and shall also be liable to fine.

House-trespass in order to commit offence punishable with imprisonment for life

450. Whoever commits house-trespass in order to the committing of any offence punishable with [141][imprisonment] for life, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

House-trespass in order to commit offence punishable with imprisonment

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The Penal Code, 1860.

451. Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

House-trespass after preparation for hurt, assault or wrongful restraint

452. Whoever commits house-trespass, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking

453. Whoever commits lurking house-trespass or house-breaking, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment

454. Whoever commits lurking house-trespass or house-breaking, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the

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offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.

Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint

455. Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking by night

456. Whoever commits lurking house-trespass by night, or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment

457. Whoever commits lurking house-trespass by night, or house breaking by night, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine;

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and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.

Lurking house-trespass or house-breaking by night, after preparation for hurt, assault or wrongful restraint

458. Whoever commits lurking house-trespass by night or house breaking by night, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Grievous hurt caused whilst committing lurking house-trespass or house-breaking

459. Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person or attempts to cause death of grievous hurt to any person, shall be punished with [142][imprisonment] for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

All persons jointly concerned in lurking house-trespass or house breaking by night punishable where death or grievous hurt caused by one of them

460. If, at the time of the committing of lurking house-trespass by night or house breaking by night, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass by night

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or house breaking by night, shall be punished with [imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Dishonestly breaking open receptacle containing property

461. Whoever dishonestly or with intent to commit mischief breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for same offence when committed by person entrusted with custody

462. Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Of the loss of property of Banking Company

Penalty for negligent conduct of bank officers and employees

462A. Whoever, being an officer or employee of a banking company, by his negligent conduct in dealing with a banking transaction allows any customer of the company or any other person to cause loss of property to the company shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

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Explanation.-An officer or employee of a banking company shall be guilty or negligent conduct if in discharging his duties he fails, either wilfully or negligently, to follow any direction of law prescribing the mode in which such duties are to be discharged.

Penalty for defrauding banking company

462B. Whoever fraudulently receives any benefit from a banking company in the course of any banking transaction shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

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Explanation.-In section 462A and in this section "banking company" means–

(a) banking company as defined in section 5(c) of the Banking Company Ordinance, 1962 (LVII of 1962);

(a) a bank constituted under the Bangladesh Banks (Nationaliza-tion) Order, 1972 (P.O. No. 26 of 1972);

(b) a financial institution as defined in section 50(c) of the Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972);

(c) Bangladesh Shilpa Rin Sangstha established under the Bangladesh Shilpa Rin Sangstha Order, 1972 (P. O. No. 128 of 1972);

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(d) Bangladesh Shilpa Bank established under the Bangladesh Shilpa Bank Order, 1972 (P.O. No. 129 of 1972);

(e) Bangladesh House Building Finance Corporation established under the Bangladesh House Building Finance Corporation Order, 1973 (P.O. No. 7 of 1973);

(g) Bangladesh Krishi Bank established under the Bangladesh Krishi Bank Order, 1973 (P.O. No. 27 of 1973);

(h) Investment Corporation of Bangladesh established under the Investment Corporation of Bangladesh Ordinance, 1976 (XL of 1976);

(i) Grameen Bank established under the Grameen Bank Ordinance, 1983 (XLVI of 1983);

(j) Rajshahi Krishi Unnayan Bank established under the Rajshahi Krishi Unnayan Bank Ordinance, 1986 (LVIII of 1986);

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(k) a bank conducted in accordance with Islamic shariah.]

CHAPTER XVIII

The Penal Code, 1860.

OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS

Forgery

463. Whoever makes any false document or part of a document, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intend to commit fraud or that fraud may be committed, commits forgery.

Making a false document

464. A person is said to make a false document–

Firstly.-Who dishonesty or fraudulently makes, signs, seals or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed or executed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed or executed, or at a time at which he knows that it was not made, signed, sealed or executed; or

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Secondly.-Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part thereof, after it has been made or executed either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

Thirdly.-Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practiced upon him he does not know the contents of the document or the nature of the alteration.

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Illustrations

(a) A has a letter of credit upon B for taka 10,000, written by Z. A, in order to defraud B, adds a cipher to the 10,000 and makes the sum 1,00,000, intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B and thereby of obtaining from B the purchase-money. A has committed forgery.

(c) A picks up a cheque on a banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand taka. A commits forgery.

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable and authorizes B to fill up the cheque by inserting a sum not exceeding ten thousand taka for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand taka. B commits forgery.

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(e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill with a banker and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

(f) Z's will contains these words- "I direct that all my remaining property be equally divided between A, B and C." A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

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(g) A endorses a Government promissory note and makes it payable to Z or his order by writing on the bill the words "pay to Z or his order" and signing the endorsement. B dishonestly erases the words "pay to Z or his order" and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z,

intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

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(j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.

(k) A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery inasmuch as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an express or implied contract for service.

Explanation 1.-A man's signature of his own name may amount to forgery.

Illustrations

(a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate the bill as though it had been accepted by Z. A is guilty of forgery; and if B, knowing the fact, draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

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(c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable, Here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate, to Z at a nominal rent and for a long period and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.

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(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors; and in order to give a colour to the transaction, writes a promissory note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2.- The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

Illustration

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

Punishment for forgery

465. Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Forgery of record of Court or of public register, etc.

466. Whoever forges a document, purporting to be a record or proceeding of or in a Court of Justice, or a register of birth, baptism, marriage or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess

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judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Forgery of valuable security, will, etc.

467. Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son,

or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, moveable property, or valuable security, or any document purporting to be an acquaintance or receipt acknowledging the payment of money, or an acquaintance or receipt for the delivery of any moveable property or valuable security, shall be punished with [143][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

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Forgery for purpose of cheating

468. Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be to liable to fine.

Forgery for purpose of harming reputation

469. Whoever commits forgery, intending that the document forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Forged document

470. A false document made wholly or in part by forgery is designated "a forged document".

Using as genuine a forged document

471. Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 467

472. Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 467 of this Code, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punishable with [144][imprisonment] for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

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The Penal Code, 1860.

Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise

473. Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this chapter other than section 467, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it as genuine

474. Whoever has in his possession any document, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document is one of the description mentioned in section 466 of this Code, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 467, shall be punished with [145][imprisonment] for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Counterfeiting device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material

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475. Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document described in section 467 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material or who, with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with [imprisonment] for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material

476. Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document other than the document described in section 467 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who, with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security

477. Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys or defaces, or attempts to cancel, destroy or deface, or secrets

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or attempts to secret any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect to such document, shall be punished with [146][imprisonment] for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Falsification of accounts

[147][477A. Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates or falsifies any book, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in, any such book, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

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Explanation.-It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed.]

The Penal Code, 1860.

Of Trade, Property and Other Marks

Trade mark

478. A mark used for denoting that goods are the manufacture or merchandise of a particular person is called a trade mark, and for the purposes of this Code the expression "trade mark" includes any trade mark which is registered in the register of trade marks kept under the Patents, Designs and Trade Marks Act, 1883, and any trade mark which, either with or without registration, is protected by law in any British possession or Foreign State to which the provisions of the one hundred and third section of the Patents, Designs and Trade Marks Act, 1883, are, under Order-in-Council, for the time being applicable.

Property mark

479. A mark used for denoting that moveable property belongs to a particular person is called a property mark.

Using a false trade mark

480. Whoever marks any goods or any case, package or other receptacle containing goods, or uses any case, package or other receptacle with any mark thereon, in a manner reasonably calculated to cause it to be believed that the goods so marked, or any good contained in any such receptacle so marked, are the manufacture or merchandise of a person whose manufacture or merchandise they are not, is said to use a false trade mark.

Using a false property mark

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The Penal Code, 1860.

481. Whoever marks any moveable property or goods or any case, package or other receptacle containing moveable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.

Punishment for using a false trade mark or property mark

482. Whoever use any false trade mark or any false property mark shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Counterfeiting a trade mark or property mark used by another

483. Whoever counterfeits any trade mark or property mark used by any other person shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Counterfeiting a mark used by a public servant

484. Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the property is of a particular quality or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark knowing

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the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Making or possession of any instrument for counterfeiting a trade mark or property mark

485. Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a trade mark or property mark, or has in his possession a trade mark or property mark for the purpose of denoting that, any goods are the manufacture or merchandise of a person whose manufacture or merchandise they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Selling goods marked with a counterfeit trade mark or property mark

486. Whoever sells, or exposes, or has in possession for sale or any purpose of trade or manufacture, any goods or thing with a counterfeit trade mark or property mark affixed to or impressed upon the same or to or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves–

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(a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark, and

(b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or

(a) that otherwise he had acted innocently,

be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Making a false mark upon any receptacle containing goods

487. Whoever makes any false mark upon any case, package or other receptacle containing goods, in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain, or that the goods contained in such receptacle are of a nature or quality different from the real nature or quality thereof, shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

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Punishment for making use of any such false mark

488. Whoever makes use of any such false mark in any manner prohibited by the last foregoing section shall, unless he proves that he acted without intent to defraud, be punished as if he had committed an offence against that section.

Tampering with property mark with intent to cause injury

489. Whoever removes, destroys, defaces or adds to any property mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Counterfeiting currency-notes or bank-notes

[148][489A. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any currency-note or bank-note, shall be punished with [149][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

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Explanation.–For the purposes of this section and of sections 489B, 489C and 489D, the expression "bank-note" means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the

world, or issued by or under the authority of any State or Sovereign Power, and intended to be used as equivalent to, or a substitute for, money.

Using as genuine a forged document

489B. Whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine, any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with [150][imprisonment] for life, or with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine.

Possession of forged or counterfeit currency-notes or bank-notes

489C. Whoever has in his possession any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Making or possessing instrument or materials for forging or counterfeiting currency-notes or bank-notes

489D. Whoever makes, or performs any part of the process of making, or buys or sells or disposes of, or has in his possession, any machinery, instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency-note or bank-note, shall be punished with [151][imprisonment] for life, or with

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imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.]

Making or using documents resembling currency-notes or bank-notes

[152][489E. Whoever makes, or causes to be made, or uses for any purpose whatsoever, or delivers to any person, any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any currency-note or bank-note shall be punished with fine which may extend to one hundred taka.

(2) If any person, whose name appears on a document the making of which is an offence under sub-section (1), refuses, without lawful excuse, to disclose to a police-officer on being so required the name and address of the person by whom it was printed or otherwise made, he shall be punished with fine which may extend to two hundred taka.

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under sub-section (1) or on any other document used or distributed in connection with that document it may, until the contrary is proved, be presumed that, that person caused the document to be made.]

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The Penal Code, 1860.

CHAPTER XIX

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE

[Repealed]

490. [Repealed by the Workmen's Breach of Contract (Repealing) Act, 1925 (Act No. III of 1925).]

Breach of contract to attend on and supply wants of helpless person

491. Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who, by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred taka, or with both.

[Repealed]

492. [Repealed by the Workmen's Breach of Contract (Repealing) Act, 1925 (Act No. III of 1925).]

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CHAPTER XX

OF OFFENCES RELATING TO MARRIAGE

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage

493. Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Marrying again during lifetime of husband or wife

494. Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

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Exception.- This section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction,

nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such

marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

Same offence with concealment of former marriage from person with whom subsequent marriage is contracted

495. Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Marriage ceremony fraudulently gone through without lawful marriage

496. Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Adultery

497. Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of anather man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punished as an abettor.

Enticing or taking away or detaining with criminal intent a married woman

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498. Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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CHAPTER XXI

OF DEFAMATION

Imputation of truth which public good requires to be made or published

First Exception.-It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Defamation

499. Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or published any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation or such person, is said, except in the cases hereinafter excepted, to defame that person.

Explanation 1.-It may amount to defamation to impute any thing to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2.-It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

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Explanation 3.-An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.-No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of his caste or of his calling, or lowers the credit of that person, or causes it to be believe that body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations

(a) A say's – "Z is an honest man; he never stole B's watch"; intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it fall within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

Public conduct of public servants

Second Exception.-It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

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Conduct of any person touching any public question

Third Exception.-It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

Illustration

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

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Publication of reports of proceedings of Courts

Fourth Exception.-It is not defamation to publish a substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.

Explanation.-A Justice of the peace or other officer holding an enquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above section.

Accusation preferred in good faith to authorized person

Eighth Exception.–It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation.

Illustration

If A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father- A is within this exception.

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Caution intended for good of person to whom conveyed or for public good

Tenth Exception.–It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

Merits of case decided in Court, or conduct of witnesses and others concerned

Fifth Exception.-It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations

(a) A says- "I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest." A is within this exception if he says this in good faith, inasmuch as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(b) But if A says- "I do not believe what Z asserted at that trial because I know him to be a man without veracity." A is not within this exception, inasmuch as the opinion which he expresses of Z's character, is an opinion not founded on Z's conduct as a witness.

Merits of public performance

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Sixth Exception.-It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation.-A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

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(c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(d) A says of a book published by Z- "Z's book is foolish: Z must be a weak man. Z's book is indecent; Z must be a man of impure mind." A is within this exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no further.

(e) But if A says "I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine." A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

Censure passed in good faith by person having lawful authority over another

Seventh Exception.-It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

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Illustration

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his order; a parent censuring in good faith a child in the presence of other children; a school master, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier- are within this exception.

Imputation made in good faith by person for protection of his or other's interests

Ninth Exception.-It is not defamation to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interest of the person making it, or of any other person, or for the public good.

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Illustrations

(a) A, a shopkeeper, says to B, who manages his business-"Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report to his own superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

Punishment for defamation

500. Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Printing or engraving matter known to be defamatory

501. Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Sale of printed or engraved substance containing defamatory matter

502. Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

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The Penal Code, 1860.

CHAPTER XXII

[153]OF CRIMINAL INTIMIDATION, INSULT, PREJUDICIAL ACT AND ANNOYANCE

Criminal intimidation

503. Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause to alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

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Explanation.-A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

Intentional insult with intent to provoke breach of the peace

504. Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Statements conducing to public mischief

505. Whoever makes, publishes or circulates any statement, rumour or report,–

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(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of Bangladesh to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the state or against the public tranquility; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community [154][; or

(d) with intent to create or promote, or which is likely to create or promote, feelings of enmity, hatred or ill-will between different communities, classes or sections of people,]

shall be punished with imprisonment which may extend to [155][seven years], or with fine, or with both.

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Exception.–It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid.

Prejudicial act by words, etc.

[156][505A. Whoever-

(a) by words, either spoken or written, or by signs or by visible representation or otherwise does anything, or

(b) makes, publishes or circulates any statement, rumour or report,

which is, or which is likely to be prejudicial to the interests of the security of Bangladesh or public order, or to the maintenance of friendly relations of Bangladesh with foreign states or to the maintenance of supplies and services essential to the community, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.]

Punishment for criminal intimidation

506. Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or [157][imprisonment for life], or with

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imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Criminal intimidation by an anonymous communication

507. Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding section.

Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure

508. Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of Divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

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Illustrations

(a) A sits dhurna at Z's door with the intention of causing it to be believed that, by so sitting, he renders Z an object of Divine displeasure. A has committed the offence defined in this section.

(b) A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of Divine displeasure. A has committed the offence defined in this section.

Word, gesture or act intended to insult the modesty of a woman

509. Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Misconduct in public by a drunken person

510. Whoever, in a state of intoxication appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any

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person, shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten taka, or with both.

CHAPTER XXIII

OF ATTEMPTS TO COMMIT OFFENCES

Punishment for attempting to commit offences punishable with imprisonment for life or imprisonment

511. Whoever attempts to commit an offence punishable by this Code with [158][imprisonment for life] or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with [159][imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of imprisonment provided for that offence], or with such fine as is provided for the offence, or with both.

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Illustrations

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box, that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket. A is guilty under this section.

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The Penal Code, 1860.

Throughout this Act, except otherwise provided, the words “Bangladesh”, “Government”, “the Government” and “Taka” were substituted, for the words “Pakistan”, “Central or any Provincial Government” or “Central Government or any Provincial Government” or “Central Government” or “the Provincial Government” or “Provincial Government” and “rupees” respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [2]

The words “Penal Code” were substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [3]

The word “Rangpur” was substituted, for the word “Kahmir” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [4]

The word “Khulna” was substituted, for the word “Junagadh” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [5]

The word “Khulna” was substituted, for the word “Junagadh” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [6]

The word “Chittagong” was substituted, for the word “Lahore” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [7]

The words, figures, commas and semi colon “any of the provisions of the statute 3 & 4 William IV, Chapter 85, or of any Act of Parliament of the United Kingdom passed after that statute in anywise affecting the East Indian Company or Pakistan or the

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inhabitants thereof; or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [8] The word "Republic" was substituted, for the word "State" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- [9] The words "Servant of the Republic" were substituted, for the words "Servant of the State" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- [10] The words "while serving under the Government" were omitted by section 2 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)
- [11] Clause Third was substituted, for clause Third by section 2 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)
- [12] The comma and words ", and every officer in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty" were omitted by section 2 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)
- [13] Clause Twelfth was added by section 2 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)
- [14] Section 52A was inserted by section 2 of the Indian Penal Code (Amendment) Act, 1942 (Act No. VIII of 1942)

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- [15]

  The words “Imprisonment for life” were substituted, for the word “Transportation” by section 2 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [16]

  The explanation was added by section 2 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [17]

  Section 53A was inserted by section 3 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [18]

  The words “the Government” were substituted, for the words “Central Government or the Provincial Government of the province within which the offender shall have been sentenced” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [19]

  The word “imprisonment” was substituted, for the word “transportation” by section 4 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [20]

  The word “imprisonment” was substituted, for the word “transportation” by section 4 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [21]

  The words “the Government” were substituted, for the words “Provincial Government of the Province within which the offender shall have been sentenced” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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- [22]

  The word “twenty” was substituted, for the word “fourteen” by section 4 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [23]

  Section 55A was inserted by the Government of India (Adaptation of Indian Laws) Order, 1937

- [24]

  The word “imprisonment” was substituted, for the word “transportation” by section 4 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [25]

  The words “rigorous imprisonment for thirty years” were substituted, for the words “transportation for twenty years” by section 5 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [26]

  The word “or” at the end of clause (a) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [27]

  The word “imprisonment” was substituted, for the word “transportation” by section 7 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [28]

  The word “nine” was substituted, for the word “seven” by section 2 of the Penal Code (Amendment) Act, 2004 (Act No. XXIV of 2004)

- [29]

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The word “nine” was substituted, for the word “seven” by section 3 of the Penal Code (Amendment) Act, 2004 (Act No. XXIV of 2004)

- 30

Section 108A was added by section 3 of the Indian Penal Code (Amendment) Act, 1898 (Act No. IV of 1898)

- 31

The word “imprisonment” was substituted, for the word “transportation” by section 7 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 32

The word “imprisonment” was substituted, for the word “transportation” by section 7 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 33

The word “imprisonment” was substituted, for the word “transportation” by section 7 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 34

The word “imprisonment” was substituted, for the word “transportation” by section 7 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 35

CHAPTER VA was inserted by the Indian Criminal Law (Amendment) Act, 1913 (Act No. VIII of 1913).

- 36

The words “imprisonment for life” were substituted, for the word “transportation” by section 8 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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- [37]

  The word “imprisonment” was substituted, for the word “transportation” by section 9 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [38]

  Section 121A was inserted by section 4 of the Indian Criminal Law (Amendment) Act, 1870 (Act No. XXVII of 1870)

- [39]

  The words “imprisonment for life” were substituted, for the words “transportation for life or any shorter term” by section 10 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [40]

  The word “imprisonment” was substituted, for the word “transportation” by section 11 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [41]

  Section 123A was inserted by section 2 of the Pakistan Penal Code (Amendment) Act, 1950 (Act No. LXXI of 1950)

- [42]

  The words “in pursuance of the Proclamation of Independence on the twenty-sixth day of March, 1971” were substituted, for the words, comma and figure “by virtue of the partition of India which was effected on the fourteenth day of August, 1947” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [43]

  The words “the Government” were substituted, for the words “the Governor of any Province” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [44]

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The words “the Government” were substituted, for the word “Governor” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 45

The words “or Governor” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 46

Section 124A was substituted, for section 124A by section 4 of the Indian Penal Coe Amendment Act, 1898 (Act No. IV of 1898)

- 47

The words “imprisonment for life” were substituted, for the words “transportation for life or any shorter term” by section 12 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 48

The word “imprisonment” was substituted, for the word “transportation” by section 13 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 49

The word “imprisonment” was substituted, for the word “transportation” by section 13 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 50

The word “imprisonment” was substituted, for the word “transportation” by section 13 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 51

The word “imprisonment” was substituted, for the word “transportation” by section 13 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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- [52]

  The words, commas and figures “Army Act, 1985 or the Navy Ordinance, 1961 or the Air Force Act, 1953” were substituted, for the words “Army Act, the Indian Army Act, 1911, the Pakistan Army Act, 1952, the Naval Discipline Act or that Act as modified by the Pakistan Navy (Discipline) Act, 1934, the Air Force Act or the Indian Air Force Act, 1932 or the Pakistan Air Force Act, 1953” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [53]

  The word “imprisonment” was substituted, for the word “transportation” by section 13 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [54]

  The words, commas and figure “Army Act, the Indian Army Act, 1911, the Pakistan” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [55]

  The words, comma and figure “Navy Ordinance, 1961” were substituted, for the words, brackets, comma and figure “the Naval Discipline Act or that Act as modified by the Pakistan Navy (Discipline) Act, 1934” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [56]

  The words, comma and figure “Air Force Act or the Indian Air Force Act, 1932 or the Pakistan” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [57]

  Section 153A was added by section 5 of the Indian Penal Code (Amendment) Act, 1898 (Act No. IV of 1898)

- [58]

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Section 153B was inserted by section 2 of the Pakistan Penal Code (Second Amendment) Ordinance, 1962 (Ordinance No. LXX of 1962)

- [59]

Section 165A was inserted by the Criminal Law (Amendment) Act, 1953 (Act No. XXXVII of 1953)

- [60]

Section 165B was inserted by section 2 of the Pakistan Penal Code (Amendment) Ordinance, 1962 (Ordinance No. LIX of 1962)

- [61]

CHAPTER IXA was inserted by section 2 of the Elections Offences and Inquiries Act, 1920 (Act No. XXXIX of 1920).

- [62]

The words “Supreme Court of Bangladesh” were substituted, for the words “High Court of East Pakistan” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [63]

The words “any law for the time being inforce” were substituted, for the words, figures and commas “clause 5, section VII of Regulation III, 1821, of the Bengal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [64]

The word “imprisonment” was substituted, for the word “transportation” by section 13 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [65]

The words “imprisonment for life” were substituted, for the words “transportation for life” by section 14 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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- [66]

  The words “imprisonment for life” were substituted, for the words “transportation for life” by section 14 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [67]

  The words “such imprisonment for life” were substituted, for the words “such transportation” by section 14 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [68]

  The words “imprisonment for life” were substituted, for the words “transportation for life” by section 15 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [69]

  The word “imprisonment” was substituted, for the word “transportation” by section 16 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [70]

  The word “imprisonment” was substituted, for the word “transportation” by section 16 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [71]

  The word “imprisonment” was substituted, for the word “transportation” by section 16 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [72]

  The word “imprisonment” was substituted, for the word “transportation” by section 16 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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- [73]

The word “imprisonment” was substituted, for the word “transportation” by section 16 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [74]

The word “imprisonment” was substituted, for the word “transportation” by section 16 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [75]

The word “imprisonment” was substituted, for the word “transportation” by section 16 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [76]

The word “imprisonment for life” were substituted, for the words “transportation for life” by section 17 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [77]

The word “imprisonment for life” were substituted, for the words “transportation for life” by section 17 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [78]

The words “or to transportation” omitted by section 17 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [79]

The word “imprisonment for life” were substituted, for the words “transportation for life” by section 17 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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- [80]

  The word “imprisonment for life” were substituted, for the words “transportation for life” by section 17 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [81]

  The words “or to transportation” were omitted by section 17 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [82]

  The word “imprisonment for life” were substituted, for the words “transportation for life” by section 17 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [83]

  Sections 225A and 225B were substituted, for section 225A by section 24of the Indian Criminal Law (Amendment) Act, 1886 (Act No. X of 1886)

- [84]

  The words “of Pakistan” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [85]

  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [86]

  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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- [87]

  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [88]

  Section 263A was inserted by section 2 of the Indian Criminal Law (Amendment) Act, 1895 (Act No. III of 1895)

- [89]

  The words and commas “three years, or with fine which may, subject to the minimum of one thousand taka, extend to five thousand taka” were substituted, for the words “six month, or with fine which may extend to one thousand taka” by section 3 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)

- [90]

  The explanation was added by section 3 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)

- [91]

  Section 294A was inserted by section 10 of the Indian Penal Code (Amendment) Act, 1870 (Act No. XXVII of 1870)

- [92]

  Section 294B was added by t section 3 of he Pakistan Penal Code (Amendment) Act, 1965 (Act No. XX of 1965)

- [93]

  Sections 295A was inserted by section 2 of the Criminal Law (Amendment) Act, 1927 (Act No. XXV of 1927)

- [94]

  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [95]

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The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 96

Section 304A was inserted by section 12 of the Indian Penal Code (Amendment) Act, 1870 (Act No. XXVII of 1870)

- 97

The word “five” was substituted, for the word “two” by section 4 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)

- 98

Section 304B. was inserted by section 5 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)

- 99

The words “three years” were substituted, for the words “seven years” by section 2 of the Penal Code (Second Amendment) Ordinance, 1985 (Ordinance No. XLVIII of 1985)

- 100

The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 101

The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 102

The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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- 106

  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 107

  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 108

  Section 326A. was inserted by section 2 of the Penal Code (Second Amendment) Ordinance, 1984 (Ordinance No. LXIX of 1984)

- 109

  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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- [110]

  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [111]

  The words “five thousand taka” were substituted, for the words “one thousand taka” by section 6 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)

- [112]

  Section 338A was inserted by section 7 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)

- [113]

  The words “two years” were substituted, for the words “five years” by section 3 of the Penal Code (second Amendment) Ordinance, 1985 (Ordinance No. XLVIII of 1985)

- [114]

  The words “three years” were substituted, for the words “two years” by section 8 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982)

- [115]

  Section 364A was inserted by section 2 of the Criminal Law (Amendment) Act, 1958 (Act No. XXXIV of 1958)

- [116]

  The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [117]

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The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 118

Sections 366A and 366B were inserted by section 2 of the Indian Penal Code (Amendment) Act, 1923 (Act No. XX of 1923)

- 119

Second paragraph of section 366B was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 120

The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 121

The words, comma and figure “ratified by Pakistan on the second June, 1951” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 122

The words, comma and figure “ratified by Pakistan on the second June, 1951” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 123

The word “imprisonment” was substituted, for the word “transportation” by section 19 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 124

The words “fear to give donation or subscription of any kind or to deliver” were substituted, for the words “fear to deliver” by section 2 of the Penal Code (Amendment) Act, 1991 (Act No. XV of 1991)

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- [125]

  The words “fourteen years and shall not be less than five years” were substituted, for the words “two years” by section 3 of the Penal Code (Amendment) Act, 1991 (Act No. XV of 1991)

- [126]

  The words “for life and shall not be less than seven years” were substituted, for the words “of either description for a term which may extend to seven years” by section 4 of the Penal Code (Amendment) Act, 1991 (Act No. XV of 1991)

- [127]

  The words “imprisonment for life” were substituted, for the words “transportation for life” by section 20 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [128]

  The words “imprisonment for life” were substituted, for the words “transportation for life” by section 20 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [129]

  The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [130]

  The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [131]

  The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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- [132]

  The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [133]

  The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [134]

  The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [135]

  The word “Chittagong” was substituted, for the word “Lahore” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [136]

  The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [137]

  The word “imprisonment” was substituted, for the word “transportation” by section 21of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- [138]

  The word “imprisonment” was substituted, for the word “transportation” by section 21of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

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- 139

  The word “imprisonment” was substituted, for the word “transportation” by section 21of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 140

  The word “imprisonment” was substituted, for the word “transportation” by section 21of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

- 141

  The word “imprisonment” was substituted, for the word “transportation” by section 21of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

- 142

  The word “imprisonment” was substituted, for the word “transportation” by section 21of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

- 143

  The word “imprisonment” was substituted, for the word “transportation” by the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)

- 144

  The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

- 145

  The word “imprisonment” was substituted, for the word “transportation” by the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)section 21 .

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- [146]

The word “imprisonment” was substituted, for the word “transportation” by the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985)section 21.

- [147]

Section 477A was inserted by section 4 of the Criminal Law (Amendment) Act, 1895 (Act No. III of 1895).

- [148]

Section 489A to 489D were inserted by section 2 of the Currency-Notes Forgery Act, 1899 (Act No. XII of 1899).

- [149]

The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

- [150]

The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

- [151]

The word “imprisonment” was substituted, for the word “transportation” by section 21 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

- [152]

Section 489E was inserted by section 2 of the Indian Penal Code (Amendment) Act, 1943 (Act No. VI of 1943).

- [153]

The comma and words “, PREJUDICIAL ACT AND ANNOYANCE” were substituted, for the words “AND ANNOYANCE” by section 6 of the Penal Code (Amendment) Act, 1991 (Act No. XV of 1991).

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- [154]

The semi-colon and word "; or" were substituted, for the comma "," at the end of clause (c) and thereafter new clause (d) was inserted by section 7 of the Penal Code (Amendment) Act, 1991 (Act No. XV of 1991).

- [155]

The words "seven years" were substituted, for the words "two years" by section 7 of the Penal Code (Amendment) Act, 1991 (Act No. XV of 1991).

- [156]

Section 505A was inserted by section 8 of the Penal Code (Amendment) Act, 1991 (Act No. XV of 1991).

- [157]

The words "imprisonment for life" were substituted, for the word "transportation" by section 22 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

- [158]

The word "imprisonment for life" were substituted, for the words "transportation" by section 23 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

- [159]

The words and comma "imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of imprisonment provided for that offence" were substituted, for the words and comma "transportation or imprisonment of any description provided for the offence, for a term of transportation or imprisonment which may extend to one-half of the longest term provided for that offence" by section 23 of the Penal Code (Amendment) Ordinance, 1985 (Ordinance No. XLI of 1985).

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The Evidence Act, 1872

(ACT NO. I OF 1872)

[15th March, 1872]

[2]♣**WHEREAS it is expedient to consolidate, define and amend the law of Evidence; It is enacted as follows:-**

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PRODUCTION AND EFFECT OF EVIDENCE

BJS Preparation Series.

The Evidence Act, 1872

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The Evidence Act, 1872

(ACT NO. I OF 1872)

[15th March, 1872]

[2]♣**WHEREAS it is expedient to consolidate, define and amend the law of Evidence; It is enacted as follows:-**

PART I

RELEVANCY OF FACTS

CHAPTER I

PRELIMINARY

Short title

1. This act may be called the Evidence Act, 1872.

Extent

It extends to the whole of Bangladesh and applies to all judicial proceedings in or before any Court, including Courts-martial, other than Courts-martial convened under the [3][Army Act, 1952, the

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Naval Discipline Ordinance, 1961 or the Air Force Act, 1953] but not to affidavits presented to any Court or officer, nor to proceedings before an arbitrator;

Commencement of Act

And it shall come into force on the first day of September, 1872.

[Repealed]

2. [*Repealed by the Repealing Act, 1938 (Act No. I of 1938), section 2 and Schedule.*]

Interpretation-clause

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:-

"Court" includes all Judges and Magistrates and all persons, except arbitrators, legally authorized to take evidence.

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"Fact" means and includes-

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(1) anything, state of things, or relation of things capable of being perceived by the senses;

(2) any mental condition of which any person is conscious.

Illustrations

(a) That there are certain objects arranged in a certain order in a certain place, is a fact.

(b) That a man heard or saw something, is a fact.

(c) That a man said certain words, is a fact.

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(d) That a man holds a certain opinion, has a certain intention, acts in good faith or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(e) That a man has a certain reputation, is a fact.

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

The expression "facts in issue" means and includes–any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

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Explanation.-Whenever, under the provisions of the law for the time being in force relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue is a fact in issue.

Illustrations

A is accused of the murder of B.

At his trial the following facts may be in issue:–

that A caused B's death;

that A intended to cause B's death;

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that A had received grave and sudden provocation from B;

that A, at the time of doing the act which caused B's death, was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document" means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter [4][and includes any digital record].

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Illustrations

A writing is a document:

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Words printed, lithographed or photographed are documents:

A map or plan is a document:

An inscription on a metal plate or stone is a document:

A caricature is a document.

[5][“Digital record" or “electronic record” means any record, data or information generated, prepared, sent, received or stored in magnetic or electro-magnetic, optical, computer memory, micro film, computer generated micro fiche including audio, video, Digital Versatile Disc or Digital Video Disc (DVD), records of Closed Circuit Television (CCTV), drone data, records from cell phone, hardware, software or any other digital device as defined in Digital Security Act, 2018 (Act No. 46 of 2018)];

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"Evidence" means and includes-

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry:

such statements are called oral evidence;

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence.

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[6][(3) all materials or objects relating to blood, semen, hair, all body material, organ or part of organ, Deoxyribo Nucleic Acid (DNA), finger impression, palm impression, iris impression and foot print or any other similar material or object which may-

(i) establish that an offence has been committed or establish a link or relation between an offence and its victim or an offence and its offender; and

(ii) prove or disprove a fact:

such materials or objects are called physical or forensic evidence.]

[7]["Digital Signature" or "electronic Signature" means any electronic signature as defined in Information and Communication Technology Act, 2006 (Act No. 39 of 2006).

"Digital Signature Certificate" means any electronic signature certificate as defined in Information and Communication Technology Act, 2006 (Act No. 39 of 2006).

"Certifying Authority" means Certificate Issuing Authority as defined in Information and Communication Technology Act, 2006 (Act No. 39 of 2006).]

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A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

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A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

A fact is said not to be proved when it is neither proved nor disproved

"May presume"

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it:

“Shall presume”

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved:

“Conclusive proof”

When one fact is declared by this Act to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

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The Evidence Act, 1872

CHAPTER II

OF THE RELEVANCY OF FACTS

Evidence may be given of facts in issue and relevant facts

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other fact as are hereinafter declared to be relevant, and of no others.

Explanation.-This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being in force relating to Civil Procedure.

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Illustrations

(a) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue:–

A's beating B with the club;

A's causing B's death by such beating;

A's intention to cause B's death.

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(b) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove

its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

Relevancy of facts forming part of same transaction

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places.

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Illustrations

(a) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it as to form part of the transaction, is a relevant fact.

(b) A is accused of waging war against Bangladesh by taking part in an armed insurrection in which property is destroyed, troops are attacked, and goals are broken open. The occurrence of

these facts is relevant, as forming part of the general transaction, though A may not have been present at all of them.

(c) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained are relevant facts, though they do not contain the libel itself.

(d) The question is, whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

Facts which are the occasion cause or effect of facts in issue

7. Facts which are the occasions, cause or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Illustrations

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(a) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it or mentioned the fact that he had it, to third persons, are relevant.

(b) The question is, whether A murdered B.

Marks on the ground, produced by a struggle at or near the place where the murder was committed, are relevant facts.

(c) The question is, whether A poisoned B.

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The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

Motive, preparation and previous or subsequent conduct

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

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The conduct of any party, or of any agent to any party, to any suit or proceeding, in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact, in issue or relevant fact, and whether it was previous subsequent thereto.

Explanation 1.–The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements; but this explanation is not to effect the relevancy of statements under any other section of this Act.

Explanation 2.–When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations

(a) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(b) A sues B upon a bond for the payment of money. B denies the making of the bond.

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The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(c) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

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(d) The question is whether a certain document is the will of A.

The facts, that not long before the date of the alleged will A made inquiry into matters to which the provisions of the alleged will relate, that he consulted [8][Advocate] in reference to making the

will, and that he caused drafts of other wills to be prepared of which he did not approve, are relevant.

(e) A is accused of a crime.

The facts that, either before or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of person who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

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(f) The question is whether A robbed B.

The facts that, after B was robbed, C said in A's presence- "the police are coming to look for the man who robbed B," and that immediately afterwards A ran away, are relevant.

(g) The question is whether A owes B Taka 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing- "I advise you not to trust A, for he owes B Taka 10,000" and that A went away without making any answer are relevant facts.

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(h) The question is, whether A committed a crime.

The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter are relevant.

(i) A is accused of a crime.

The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(j) The question is whether A was ravished.

The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which, and the terms in which, the complaint was made, are relevant.

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The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant as a dying declaration under section 32, clause (1), or as corroborative evidence under section 157.

(k) The question is, whether A was robbed.

The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint, is not relevant, as conduct under this section, though it may be relevant as a dying declaration under section 32, clause (1), or as corroborative evidence under section 157.

Facts necessary to explain or introduce relevant facts

9. Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of anything or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

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The Evidence Act, 1872

Illustrations

(a) The question is, whether a given document is the will of A.

The State of A's property and of his family at the date of the alleged will may be relevant facts.

(b) A sues B for a libel imputing disgraceful conduct to A; B affirms that the matter alleged to be libellous is true.

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The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(c) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant under section 8, as conduct subsequent to and affected by facts in issue.

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The fact that at the time when he left home he had sudden and urgent business at the place to which he went, is relevant, as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(d) A sues B for inducing C to break a contract of service made by him with A. C, on leaving A's service, says to A- "I am leaving you because B has made me a better offer." This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(e) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says as he delivers it- "A says you are to hide this." B's statement is relevant as explanatory of a fact which is part of the transaction.

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(f) A is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

Things said or done by conspirator in reference to common design

10. Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, anything said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first

entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Illustrations

Reasonable ground exists for believing that A has joined in a conspiracy to wage war against Bangladesh.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Chittagong for a like object, D persuaded persons to join the conspiracy in [9][Khulna], E published writings advocating the object in view at [10][Pabna], and F transmitted from [11][Dhaka] to G at Cabul the money which C had collected at Chittagong, and the contents of a letter written by H giving an account

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of the conspiracy, are each relevant, both to prove the existence of the conspiracy, and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant

11. Facts not otherwise relevant are relevant–

(1) If they are inconsistent with any fact in issue or relevant fact;

(2) If by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

Illustrations

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(a) The question is whether A committed a crime at Chittagong on a certain day.

The fact that, on that day, A was at [12][Dhaka] is relevant.

The fact that, near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

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(b) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else and that it was not committed by either B, C or D, is relevant.

The Evidence Act, 1872

In suits for damages, facts tending to enable Court to determine amount are relevant

12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded, is relevant.

Facts relevant when right or custom is in question

13. Where the question is as to the existence of any right of custom, the following facts are relevant:–

(a) any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence;

(b) particular instances in which the right or custom was claimed, recognized or exercised, or in which its exercise was disputed, asserted or departed from.

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Illustration

The question is whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcilable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

Facts showing existence of state of mind, or of body, or bodily feeling

14. Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will, or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling is in issue or relevant.

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Explanation 1.–A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question.

Explanation 2.–But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence is relevant within the meaning of this section, the previous conviction of such person shall also be a relevant fact.

Illustrations

(a) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that, at the same time, he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(b) A is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

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The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

The fact that A had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant.

(c) A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B, are relevant.

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(d) The question is, whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant as showing that A knew that the payee was a fictitious person.

(e) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

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The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(f) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him, is relevant, as showing that A made the representation in good faith.

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(g) A is sued by B for the price of work done by B, upon a house of which A is owner, by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(h) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

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The fact that A knew, or had reason to believe, that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(i) A is charged with shooting at B with intent to kill him. In order to show A's intent the fact of A's having previously shot at B may be proved.

(j) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved, as showing the intention of the letters.

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(k) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty are relevant facts.

(l) The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms are relevant facts.

(m) The question is, what was the state of A's health at the time an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question are relevant facts.

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(n) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use, whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage is relevant.

The fact that B was habitually negligent about the carriages which he let to hire is irrelevant.

(o) A is tried for the murder of B by intentionally shooting him dead.

The fact that A on other occasions shot at B is relevant as showing his intention to shoot B.

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The fact that A was in the habit of shooting at people with intent to murder them is irrelevant.

(p) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime is irrelevant.

The fact that he said something indicating a general disposition to commit crimes of that class is irrelevant.

Facts bearing on question whether act was accidental or intentional

15. When there is a question whether an act was accidental or intentional, or done with a particular knowledge or intention, the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

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Illustrations

(a) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(b) A is, employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

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The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(c) A is accused of fraudulently delivering to B a counterfeit Taka.

The question is, whether the delivery of the Taka was accidental.

The facts that, soon before or soon after the delivery to B, A delivered counterfeit Taka to C, D and E are relevant, as showing that the delivery to B was not accidental.

Existence of course of business when relevant

16. When there is a question whether a particular act was done, the existence of any course of business, according to which it naturally would have been done, is a relevant fact.

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Illustrations

(a) The question is, whether a particular letter was dispatched.

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place are relevant.

(b) The question is, whether particular letter reached A.

The facts that it was posted in due course, and was not returned through the Dead Letter office, are relevant.

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CHAPTER II

ADMISSIONS

Admission defined

The Evidence Act, 1872

17. An admission is a statement, oral or documentary [13][or contained in digital record], which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.

Admission -by party to proceeding or his agent;

18. Statements made by a party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

by suit or in representative character;

Statements made by parties to suits suing or sued in a representative character, are not admissions, unless they were made while the party making them held that character.

by party interested in subject-matter;

Statements made by–

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(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

by person from whom interest derived

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions, if they are made during the continuance of the interest of the persons making the statements.

Admissions by persons whose position must be proved as against party to suit

19. Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions, if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

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Illustrations

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B.

A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

Admissions by persons expressly referred to by party to suit

20. Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.

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Illustrations

The question is whether a horse sold by A to B is sound.

A says to B–"Go and ask C; C knows all about it." C's statement is an admission.

Proof of admissions, against persons making them, and by or on their behalf

21. Admissions are relevant and may be proved as against the person who makes them, or his representative in interest; but they can not be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases:–

(1) An admission may be proved by or on behalf of the person making it, when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section 32.

(2) An admission may be proved by or on behalf of the person making it, when it consists of statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is a accompanied by conduct rendering its falsehood improbable.

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(3) An admission may be proved by or on behalf of the person making it, if it is relevant otherwise than as an admission.

Illustrations

(a) The question between A and B is, whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

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(b) A, the captain of a ship, is tried for casting her away.

Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties, if he were dead, under section 32, clause (2).

(c) A is accused of a crime committed by him at Chittagong.

He produces a letter written by himself and dated at [14][Dhaka] on that day and bearing the [15][Dhaka] post-mark of that day.

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The statement in the date of the letter is admissible, because, if A were dead it would be admissible under section 32, clause (2).

(d) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

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(e) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last preceding illustration.

When oral admissions as to contents of documents are relevant

22. Oral admissions as to the contents of a document are not relevant, unless and until that the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

When oral admissions as to contents of digital records are relevant

[16][22A. Oral admissions as to the contents of digital records are not relevant, unless the genuineness of the digital record produced is in question.]

Admissions in civil cases when relevant

23. In civil cases no admission is relevant, if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

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The Evidence Act, 1872

Explanation.–Nothing in this section shall be taken to exempt any [17][Advocate] from giving evidence of any matter of which he may be compelled to give evidence under section 126.

Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding

24. A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Confession to police-officer not to be proved

25. No confession made to a police-officer shall be proved as against a person accused of any offence.

Confession by accused while in custody of police not to be proved against him

26. No confession made by any person whilst he is in the custody of a police-officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

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Explanation.– In this section "Magistrate" does not include the head of a village discharging magisterial functions unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, [18][1898].

How much of information received from accused may be proved

27. Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

Confession made after removal of impression caused by inducement, threat or promise, relevant

28. If such a confession as is referred to in section 24 is made after the impression caused by any such inducement, threat or promise has, in the opinion of the Court, been fully removed, it is relevant.

Confession otherwise relevant not to become irrelevant because of promise of secrecy, etc.

29. If such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions,

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or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

Consideration of proved confession affecting person making it and others jointly under trial for same offence

30. When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other persons as well as against the person who makes such confession.

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Explanation.-"Offence", as used in this section, includes the abatement of, or attempt to commit, the offence.

Illustrations

(a) A and B are jointly tried for the murder of C. It is proved that A said-"B and I murdered C." The Court may consider the effect of this confession as against B.

(b) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said- "A and I murdered C".

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

Admissions not conclusive proof, but may be stop

31. Admissions are not conclusive proof of the matters admitted but they may operate as estoppels under the provisions hereinafter contained.

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CHAPTER II

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES

Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant

The Evidence Act, 1872

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which under the circumstances of the case appears to the Court unreasonable, are themselves relevant facts in the following cases:–

When it relates to cause of death;

(1) When the statement is made by person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

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Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

or is made in course of business;

(2) When the statement was made by such person in the ordinary course of business, and in particular when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of an acknowledge-ment written or signed by him of the receipt of money, goods, securities or property of any kind; or of a document

used in commerce written or signed by him; or of the date of a letter or other document usually dated, written or signed by him.

or against interest of maker;

(3) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

or gives opinion as to public right or custom, or matters of general interest;

(4) When the statement gives the opinion of any such person as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter has arisen.

or relates to existence of relationship;

(5) When the statement relates to the existence of any relationship by blood, marriage or adoption between person as to whose relationship by blood, marriage or adoption the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

or is made in will or deed relating to family affairs;

(6) When the statement relates to the existence of any relationship by blood, marriage or adoption between persons deceased, and is made in any will or deed relating to the affairs of the family to

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which any such deceased person belonged, or in any family pedigree or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

or in document relating to transaction mentioned in section 13, clause (a);

(7) When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in section 13, clause (a).

or is made by several persons, and expresses feelings relevant to matter in question

(8) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

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Illustrations

(a) The question is, whether A was murdered by B; or

A dies of injuries received in a transaction in the course of which she was ravished. The question is whether she was ravished by B; or

The question is whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape and the actionable wrong under consideration are relevant facts.

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(b) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon regularly kept in the course of business, stating that, on a given day he attended A's mother and delivered her of a son, is a relevant fact.

(c) The question is, whether A was in Chittagong on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business, that on a given day the solicitor attended A at a place mentioned, in [19][Chittagong], for the purpose of conferring with him upon specified business, is a relevant fact.

(d) The question is, whether a ship sailed from [20][Chittagong] harbour on a given day.

A letter written by a deceased member of a merchant's firm by which she was chartered to their correspondents in London, to whom the cargo was consigned, stating that the ship sailed on a given day from [21][Chittagong] harbour, is a relevant fact.

(e) The question is, whether rent was paid to A for certain land.

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A letter from A's deceased agent to A saying that he had received the rent on A's account and held it at A's orders, is a relevant fact.

(f) The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

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(g) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day is relevant.

(h) The question is, what was the cause of the wreck of a ship.

A protest made by the Captain, whose attendance cannot be procured, is a relevant fact.

(i) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

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(j) The question is, what was the price of grain on a certain day in a particular market. A statement of the price, made by a deceased banya in the ordinary course of his business, is a relevant fact.

(k) The question is, whether A, who is dead, was the father of B.

The Evidence Act, 1872

A statement by A that B was his son, is a relevant fact.

(l) The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend, announcing the birth of A on a given day, is a relevant fact.

(m) The question is, whether, and when, A and B were married.

An entry in a memorandum-book by C, the deceased father of B, of his daughter's marriage with A on a given date, is a relevant fact.

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(n) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

Relevancy of certain evidence for proving, in subsequent proceeding, the truth of facts therein stated

33. Evidence given by a witness in a judicial proceeding, or before any person authorized by law to take it, is relevant for the purpose of proving, in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, the truth of the facts which it states, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

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Provided-

that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.–A criminal trial or inquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

CHAPTER II

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES

Entries in books of account [22][or digital record] when relevant

34. Entries in books of account [23][or digital record], regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

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The Evidence Act, 1872

Illustration

A sues B for Taka 1,000, and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient, without other evidence, to prove the debt.

Relevancy of entry in public record [24][or digital record], made in performance of duty

35. An entry in any public or other official book, register or record [25][,or digital record], stating a fact in issue or relevant fact, and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register [26][, record or digital record] is kept, is itself a relevant fact.

Relevancy of statements in maps, charts [27][, plans and digital record]

36. Statements of facts in issue or relevant facts, made in published [28][maps, charts or digital record] generally offered for public sale, or in [29][maps, plans or digital record] made under the authority of the Government, as to matters usually represented or stated in such [30][maps, charts, plans or digital record], are themselves relevant facts.

Relevancy of statement as to fact of public nature contained in certain Acts or notifications

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37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament of the United Kingdom, or in any [31][Act of Parliament] or in a Government notification [32][* * *] is a relevant fact.

Relevancy of statements as to any law contained in law-books

38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

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CHAPTER II

HOW MUCH OF A STATEMENT IS TO BE PROVED

What evidence to be given when statement forms part of a conversation, document, [33][book, digital record] or series of letters or papers.

39. When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which [34][forms part of a book, or of part of a digital record] or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book of series of letters

or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

CHAPTER II

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT

Previous judgments relevant to bar a second suit or trial

40. The existence of any judgment, order or decree which by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit or to hold such trial.

Relevancy of certain judgments in probate, etc., jurisdiction

41. A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

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Such judgment, order or decree is conclusive proof-

that any legal character which it confers accrued at the time when such judgment, order or decree come into operation;

that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such judgment, order or decree declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment, order or decree declared that it had ceased or should cease;

and that anything to which it declares any person to be so entitled was the property of that person at the time from which such judgment, order or decree declares that it had been or should be his property.

Relevancy and effect of judgments, orders or decrees, other than those mentioned in section 41

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42. Judgments, orders or decrees other than those mentioned in section 41 are relevant if they relate to matters of a public nature relevant to the inquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustration

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespass on the same land, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

Judgments, etc., other than those mentioned in sections 40 to 42, when relevant

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The Evidence Act, 1872

43. Judgments, orders or decrees, other than those mentioned in sections 40, 41 and 42, are irrelevant, unless the existence of such judgment, order or decree is a fact in issue, or is relevant under some other provision of this Act.

Illustrations

(a) A and B separately sue C for a libel which reflects upon each of them. C in each case says that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(b) A prosecutes B for adultery with C, A's wife.

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B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was A's wife.

The judgment against B is irrelevant as against C.

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(c) A prosecutes B for stealing a cow from him. B is convicted.

A afterwards sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(d) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

(e) A is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue.

(f) A is tried for the murder of B. The fact that B prosecuted A for libel and that A was convicted and sentenced is relevant under section 8 as showing the motive for the fact in issue.

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Fraud or collusion in obtaining judgment, or in-competency of Court, may be proved

44. Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under section 40, 41 or 42, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

The Evidence Act, 1872

CHAPTER II

OPINIONS OF THIRD PERSONS WHEN RELEVANT

Opinion of Experts

[35][45. When the Court has to form an opinion upon a point of foreign law, or of science, physical or forensic evidence or digital record, or art, or as to identity of hand writing or finger impression or footprint or palm impression or iris impression or typewriting or usage of trade or technical terms or identity of person or animal, the opinion upon that point of person specially skilled in such foreign law, science, physical or forensic evidence or digital record or art, or in questions as to identity of handwriting or finger impression, footprint, palm impression, typewriting, usage of trade, technical term or identity of person or animal, as the case may be, are relevant facts.

Such persons are called experts.

Illustrations

(a) The question is, whether the death of A was caused by poison.

The opinion of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

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(b) The questions is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(c) The question is whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same person or by different persons, are relevant.]

Opinion of experts on physical or forensic evidence

[36][45A. (1) Except by leave of the Court a witness shall not testify as an expert on physical or forensic unless a copy of his report has, pursuant to sub-section (2), been given to all the parties.

(2) An expert's report shall be addressed to the Court and not to the party on whose behalf he is examined and he shall owe a duty to help the Court.]

Facts bearing upon opinions of experts

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The Evidence Act, 1872

46. Facts, not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Illustrations

(a) The question is, whether A was poisoned by a certain poison.

The fact that other persons, who were poisoned by that poison, exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(b) The question is, whether an obstruction to a harbour is caused by a certain sea-wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea-walls, began to be obstructed at about the same time, is relevant.

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The Evidence Act, 1872

Opinion as to handwriting, when relevant

47. When the Court has to form an opinion as to the person by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.–A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

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Illustration

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Chittagong, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C or D ever saw A write.

Opinion as to digital signature where relevant

[37][47A. When the Court has to form an opinion as to the digital signature of any person, the opinion of the Certifying Authority which has issued the Digital Signature Certificate is a relevant fact.]

Opinion as to existence of right or custom, when relevant

48. When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

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Explanation.–The expression "general custom or right" includes customs or rights common to any considerable class of persons.

Illustration

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

Opinion as to usages, tenets, etc., when relevant

49. When the Court has to form an opinion as to–

the usages and tenets of any body of men or family,

the constitution and government of any religious or charitable foundation or,

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the meaning of words or terms used in particular districts or by particular classes of people,

the opinions of persons having special means of knowledge thereon, are relevant facts.

Opinion on relationship, when relevant

50. When the Court has to form an opinion as to the relationship of one person to another the opinion, expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact:

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Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Divorce Act, or in prosecutions under section 494, 495, 497 or 498 of the [38][* * *] Penal Code.

Illustrations

(a) The question is, whether A and B were married.

The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(b) The question is, whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

Grounds of opinion, when relevant

51. Whenever the opinion of any living person is relevant the grounds on which such opinion is based are also relevant.

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Illustration

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

CHAPTER II

CHARACTER WHEN RELEVANT

In civil cases, character to prove conduct imputed, irrelevant

52. In civil cases the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him is irrelevant, except in so far as such character appears from facts otherwise relevant

In criminal cases, previous good character relevant

53. In criminal proceedings the fact that the person accused is of a good character is relevant.

Previous bad character not relevant, except in reply

54. In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

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Explanation 1.–This section does not apply to cases in which the bad character of any person is itself a fact in issue.

Explanation 2.–A previous conviction is relevant as evidence of bad character.

Character as affecting damages

55. In civil cases the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

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Explanation.–In sections 52, 53, 54 and 55, the word "character" includes both reputation and disposition; but, except as provided in section 54, evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

PART II

ON PROOF

CHAPTER III

The Evidence Act, 1872

FACTS WHICH NEED NOT BE PROVED

Fact judicially noticeable need not be proved

56. No fact of which the Court will take judicial notice need be proved

Facts of which Court must take judicial notice

57. The Court shall take judicial notice of the following facts:-

[39][(1) All Bangladesh Laws:]

(2) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

(3) Articles of War for the Armed Forces:

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(4) The course of proceeding of Parliament and of [40][any Legislature which had Power to legislate in respect of territories now comprised in Bangladesh].

Explanation.– [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

(5) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

[41][(6) The seals of all the Courts in Bangladesh: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries Public, and all seals which any person is authorized to use by any law in force in Bangladesh:]

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(7) The accession to office, names, titles, functions and signatures of the persons filling for the time being any public office in Bangladesh, if the fact of their appointment to such office is notified in any official Gazette:

(8) The existence, title and national flag of every State or Sovereign recognized by the Government:

(9) The divisions of time, the geographical divisions of the world, and public festivals, fasts and holidays notified in the official Gazette:

(10) The territories [42][* * *] of Bangladesh:

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(11) The commencement, continuance and termination of hostilities between Bangladesh and any other State or body of persons:

(12) The names of the members and officers of the Court and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates [43][* * *] and other persons authorized by law to appear or act before it:

(13) The rule of the road on land or at sea.

In all these cases and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

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If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

Facts admitted need not be proved

58. No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their

hands, or which by any rule or pleading in force at the time they are deemed to have admitted by their pleadings:

Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER IV

OF ORAL EVIDENCE

Proof of facts by oral evidence

59. All facts, except the contents of documents, may be proved by oral evidence.

Oral evidence must be direct

60. Oral evidence must, in all cases whatever, be direct; that is to say-

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if it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it;

if it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it;

if it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner;

if it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

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Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable:

Provided also that, if oral evidence refers to existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

CHAPTER V

OF DOCUMENTARY EVIDENCE

Proof of contents of documents

61. The contents of documents may be proved either by primary or by secondary evidence.

Primary evidence

62. Primary evidence means the document itself produced for the inspection of the Court.

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Explanation 1.-Where a document is executed in several parts, each part is primary evidence of the document.

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.-Where a number of documents are all made by one uniform process, as in the case of printing, lithography or photography, each is primary evidence of the contents of the rest; but, where they are all copies of a common original, they are not primary evidence of the contents of the original.

Illustration

A person is shown to have been in possession of a number of placards, all printed at one time prove one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

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Secondary evidence

63. Secondary evidence means and includes-

(1) certified copies given under the provisions hereinafter contained;

(2) copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies;

(3) copies made from or compared with the original;

(4) counterparts of documents as against the parties who did not execute them;

(5) oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations

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(a) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(b) A copy, compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

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(c) A copy transcribed from a copy, but afterwards compared with the original is secondary evidence; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(d) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

The Evidence Act, 1872

Proof of documents by primary evidence

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.

Cases in which secondary evidence relating to documents may be given

65. Secondary evidence may be given of the existence, condition or contents of a document in the following cases:–

(a) when the original is shown or appears to be in the possession or power-

of the person against whom the document is sought to be proved, or of any person out of reach of, or not subject to, the process of the Court, or

of any person legally bound to produce it, and when, after the notice mentioned in section 66, such person does not produce it;

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(b) when the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest;

(c) when the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time;

(d) when the original is of such a nature as not to be easily moveable;

(e) when the original is a public document within the meaning of section 74;

(f) when the original is a document of which a certified copy is permitted by this Act, or by any other law in force in Bangladesh to be given in evidence;

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(g) when the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (a), (c), and (d), any secondary evidence of the contents of the document is admissible.

In case (b), the written admission is admissible.

In case (e) or (f), a certified copy of the document, but no other kind of secondary evidence, is admissible.

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In case (g), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

Special provisions as to evidence relating to digital record

The Evidence Act, 1872

[44][65A. The contents of digital records may be proved in accordance with the provisions of section 65B.]

Admissibility of Digital Records

[45][65B. (1) Notwithstanding anything contained in this Act, any information contained in a digital record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer (hereinafter referred to as the computer output) shall be deemed to be also a document, if the conditions mentioned in this section are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible.

(2) The conditions referred to in sub-section (1) in respect of a computer output shall be the following, namely :-

(a) the computer output containing the information was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes or any activities regularly carried on over that period by the person having lawful control over the use of the computer;

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(b) during the said period, information of the kind contained in the digital record or of the kind from which the information so contained is derived was regularly fed into the computer in the ordinary course of the said activities;

(c) throughout the material part of the said period, the computer was operating properly or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the digital record or the accuracy of its contents; and

(d) the information contained in digital record reproduces or is derived from such information fed into the computer in the ordinary course of the said activities.

(3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (a) of sub-section(2) was regularly performed by computers, whether-

(a) by a combination of computers operating over that period; or

(b) by different computers operating in succession over that period; or

(c) by different combinations of computers operating in succession over that period; or

(d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers,

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all the computers used for that purpose during that period shall be treated for the purposes of that section as constituting a single computer; and references in this section to a computer shall be construed accordingly.

(4) In any proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate containing any of the following things, that is to say,-

(a) identifying the digital record containing the statement and describing the manner in which it was produced;

(b) giving such particulars of any device involved in production of that digital record as may be appropriate for the purpose of showing that the digital record was produced by a computer;

(c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate,

and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this section,-

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(a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;

(b) whether in the course of activities carried on by any official, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to the computer, shall be taken to be supplied to it in the course of those activities;

(c) a computer output shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

Explanation:-For the purposes of this section any reference to information being derived from other information shall be a reference to its being derived therefrom by calculation, comparison or any other process.]

Rules as to notice to produce

66. Secondary evidence of the contents of the documents referred to in section 65, clause (a), shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, or to his Advocate, such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

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Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases, or in any other case in which the Court thinks fit to dispense with it:–

(1) when the document to be proved is itself a notice;

(2) when, from the nature of the case, the adverse party must know that he will be required to produce it;

(3) when it appears or is proved that the adverse party has obtained possession of the original by fraud or force;

(4) when the adverse party or his agent has the original in Court;

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(5) when the adverse party or his agent has admitted the loss of the document;

(6) when the person in possession of the document is out of reach of, or not subject to, the process of the Court.

Proof of signature and handwriting of person alleged to have signed or written document produced

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof as to digital signature

[46][67A. Except in the case of a secure digital signature, if the digital signature of any subscriber is alleged to have been affixed to a digital record the fact that such digital signature is the digital signature of the subscriber must be proved.]

Proof of execution of document required by law to be attested

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The Evidence Act, 1872

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence:

Provided that it shall not be necessary to call an attesting witness in proof of the execution of any document, not being a will, which has been registered in accordance with the provisions of the Registration Act, 1908, unless its execution by the person by whom it purports to have been executed is specifically denied.

Proof where no attesting witness found

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Admission of execution by party to attested document

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Proof when attesting witness denies the execution

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The Evidence Act, 1872

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof of document not required by law to be attested

72. An attested document not required by law to be attested may be proved as if it was unattested.

Comparison of signature, writing or seal with others, admitted or proved

73. In order to ascertain whether a signature, writing or seal is that of the person by whom it purports to have been written or made, any signature, writing or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing or seal has not been produced or proved for any other purpose.

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The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

This section applies also, with any necessary modifications, to finger-impressions.

The Evidence Act, 1872

Proof as to verification of digital signature

[47][73A. In order to ascertain whether a digital signature is that of the person by whom it purports to have been affixed, the Court may direct-

(a) that person or the Controller or the Certifying Authority to produce the Digital Signature Certificate;

(b) any other person to apply the public key listed in the Digital Signature Certificate and verify the digital signature purported to have been affixed by that person.

Explanation.- For the purpose of this section, "Controller" means the Controller appointed under sub-section (1) of section 18 of the Information and Communication Technology Act, 2006 (Act No. 39 of 2006).]

Comparison of physical or forensic evidence with others, admitted or proved

[48][73B. (1) In order to ascertain whether a sample of blood, semen, hair, DNA sample, any other biological substance, limbs or any part of limb, finger impression, palm impression or iris impression or foot impression belongs to or is created by that person from whom it purports to have been collected, the Court may order that it be compared with any sample which is admitted or proved to the satisfaction of the Court to have come from or been made by the person, although that sample of blood, semen, hair, DNA sample, biological substance, limbs or any part of limb,

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finger impression, palm impression, iris impression, foot impression or any other substance has not been produced or proved for any other purpose.

(2) If there is any claim that the sample of blood, semen, hair, DNA sample, any other biological substance, limbs or any part of limb, finger impression, palm impression, iris impression, foot impression belongs to or is created by any person, the Court may direct that person to be present in Court for the purpose of enabling the Court to make that comparison.

(3) In relation to proving the authenticity of physical or forensic evidence, nothing in sections 60 and 165 of this Act, should prevent the Court from seeking its production in Court as an exhibit, along with any other necessary evidence concerning its identification.]

CHAPTER V

PUBLIC DOCUMENTS

Public documents

74. The following documents are public documents:–

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(1) documents forming the acts or records of the acts-

(i) of the sovereign authority,

(ii) of official bodies and tribunals, and

(iii) of public officers, legislative, judicial and executive of any part of Bangladesh or of the Commonwealth, or of a foreign country;

(2) public records kept in Bangladesh of private documents.

Private documents

75. All other documents are private.

Certified copies of public documents

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with

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his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.-Any officer who, by the ordinary course of official duty, is authorized to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

Proof of documents by production of certified copies

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents

78. The following public documents may be proved as follows:–

[49][(1) Acts, orders or notifications of the Government or any other Government that functioned within the territories now comprised in Bangladesh or any departments thereof by the records of the departments, certified by the heads of those departments, or by any document purporting to be printed by order of any such Government:]

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(2) the proceeding of the [50][Parliament and of any legislature which had power to legislate in respect of territories now comprised in Bangladesh,] by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of the Government [51][* * *]:

(3) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

(4) the Acts of the Executive or the proceedings of the Legislature of a foreign country, - by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some [52][Act of Parliament]:

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(5) the proceedings, of a municipal body in Bangladesh,–

by a copy of such proceedings, certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6) public documents of any other class in a foreign country,–

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public, or of a Bangladesh Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

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CHAPTER V

PRESUMPTION AS TO DOCUMENTS

Presumption as to genuineness of certified copies

The Evidence Act, 1872

79. The Court shall presume every document purporting to be a certificate, certified copy or other document, which is by law declared to be admissible as evidence of any particular fact and which purports to be duly certified by any officer of the [53][Government] to be genuine:

Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf.

The Court shall also presume that any officer by whom any such document purports to be signed or certified, held, when he signed it, the official character which he claims in such paper.

Presumption as to documents produced as record of evidence

80. Whenever any document is produced before any Court, purporting to be a record or memorandum of the evidence, or of any part of the evidence, given by a witness in a judicial proceeding or before any officer authorized by law to take such evidence or to be a statement or confession by any prisoner or accused person, taken in accordance with law, and purporting to be signed by any Judge or Magistrate, or by any such officer as aforesaid, the Court shall presume-

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that the document is genuine; that any statements as to the circumstances under which it was taken, purporting to be made by the person signing it, are true, and that such evidence, statement or confession was duly taken.

[Omitted]

81. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Presumption as to Gazettes in digital forms

[54][81A. The Court shall presume the genuineness of every digital record purporting to be the Official Gazette, or purporting to be digital record directed by any law to be kept by any person, if such digital record is kept substantially in the form required by law and is produced from proper custody.

Explanation.-Digital records are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they naturally be; but no custody is improper if it is proved to have had a legitimate origin, or the circumstances of the particular case are such as to render such an origin probable.]

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Presumption as to document admissible in England without proof of seal or signature

82. When any document is produced before any Court, purporting to be a document which, by the law in force for the time being in England and Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland, without proof of the seal or stamp or

signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held, at the time when he signed it, the judicial or official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

Presumption as to maps or plans made by authority of Government

83. The Court shall presume that maps or plans purporting to be made by the authority of the Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

Presumption as to collections of laws and reports of decisions

84. The Court shall presume the genuineness of [55][every book or Gazette] purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

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and of [56][every book or Gazette] purporting to contain reports of decisions of the Courts of such country.

Presumption as to powers-of-attorney

85. The Court shall presume that every document purporting to be a power-of-attorney, and to have been executed before, and authenticated by, a notary public, or any Court, Judge, Magistrate, Bangladesh Consul or Vice-Consul, or representative of the Government, was so executed and authenticated.

Presumption as to agreements in digital forms

[57][85A. The Court shall presume that every digital record purporting to be an agreement containing the digital signatures of the parties was so concluded by affixing the digital signature of the parties.]

Presumption as to digital record and digital signatures

[58][85B. (1) In any proceedings involving a secure digital record, the Court shall presume unless contrary is proved, that the secure digital record has not been altered since the point of time to which the secure status relates.

(2) In any proceedings, involving secure digital signature, the Court shall presume unless the contrary is proved that-

(a) the secure digital signature is affixed by subscriber with the intention of signing or approving the digital record;

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(b) except in the case of a secure digital record or a secure digital signature, nothing in this section shall create any presumption relating to authenticity and integrity of the digital record or any digital signature.]

Presumption as to Digital Signature Certificates

[59][85C. The Court shall presume, unless contrary is proved, that the information listed in a Digital Signature Certificate is correct, except for information specified as subscriber information which has not been verified, if the certificate was accepted by the subscriber.]

Presumption as to certified copies of foreign judicial records

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Bangladesh is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of the Government in or for such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Second Paragraph.– [Omitted by the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and 2nd Schedule.]

Presumption as to books, maps and charts

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant

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facts and which is produced for its inspection, was written and published by the person and at the time and place, by whom or at which it purports to have been written or published.

Presumption as to telegraphic messages

88. The Court may presume that a message, forwarded from a telegraph office to the person to whom such message purports to be addressed, corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to digital communication

[60][88A. The Court may presume that a digital communication forwarded by the originator through a digital communication or message server to the addressee to whom the message purports to be addressed corresponds with the message as fed into his computer or fed into other forms of digital device for transmission; but the Court shall not make any presumption as to the persons by whom such message was sent.

Explanation.-For the purposes of this section, the expressions "addressee" and "originator" shall have the same meanings respectively assigned to them in clauses (22) and (24) of section 2 of the Information and Communication Technology Act, 2006 (Act No. 39 of 2006).]

Presumption as to due execution, etc., of documents not produced

89. The Court shall presume that every document, called for and not produced after notice to produce, was attested, stamped and executed in the manner required by law.

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Presumption as to physical or forensic evidence

[61][89A. The Court may presume unless contrary is proved that the physical or forensic evidence belongs to or is created by that person from whom it purports to have been collected.]

Presumption as to documents thirty years old

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document, which purports to be in the handwriting of any particular person, is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

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Explanation.-Documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section 81.

Illustrations

(a) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land, showing his titles to it. The custody is proper.

(b) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(c) A, a connection of B, produces deeds relating to lands in B's possession which were deposited with him by B for safe custody. The custody is proper.

Presumption as to digital records five years old

[62][90A. Where any digital record, purporting or proved to be five years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the

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digital signature which purports to be the digital signature of any particular person was so affixed by him or any person authorized by him in this behalf.

Explanation.- Digital records are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they naturally be; but no custody is improper if it is proved to have had a legitimate origin, or the circumstances of the particular case are such as to render such an origin probable.]

CHAPTER VI

OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE

Evidence of terms of contracts, grants and other dispositions of property reduced to form of document

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained. Exception 1.– When a public officer is required by law to be

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appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.– Wills admitted to probate in Bangladesh may be proved by the probate.

Explanation 1.–This section applies equally to cases in which the contracts, grants or dispositions of property referred to are contained in one document and to cases in which they are contained in more documents than one.

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Explanation 2.–Where there are more originals than one, one original only need be proved.

Explanation 3.–The statement, in any document whatever, of a fact other than the facts referred to in this section, shall not preclude the admission of oral evidence as to the same fact.

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Illustrations

(a) If a contract be contained in several letters all the letters in which it is contained must be proved.

(b) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(c) If a bill of exchange is drawn in a set of three, one only need be proved.

(d) A contracts, in writing, with B, for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

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Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(e) A gives B a receipt for money paid by B.

Oral evidence is offered of the payment.

The evidence is admissible.

Exclusion of evidence of oral agreement

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92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted, as between the parties

to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

Proviso (1).–Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto; such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

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Proviso (2).–The existence of any separate oral agreement as to any matter on which a document is silent, and which is not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3).–The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

Proviso (4).–The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved, except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5).–Any usage or custom by which incidents not expressly mentioned in any contract are usually annexed to contracts of that description, may be proved:

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Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6).–Any fact may be proved which shows in what manner the language of a document is related to existing facts.

The Evidence Act, 1872

Illustrations

(a) A policy of insurance is effected on goods "in ships from Chittagong to London". The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy cannot be proved.

(b) A agrees absolutely in writing to pay B Taka 1,000 on the first March, 1873. The fact that, at the same time an oral agreement was made that the money should not be paid till the thirty-first March cannot be proved.

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(c) An estate called "the Rampore tea estate" is sold by a deed which contains a map of the property sold. The fact that land not

included in the map had always been regarded as part of the estate and was meant to pass by the deed cannot be proved.

(d) A enters into a written contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(e) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

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(f) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(g) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: "Bought of A a horse for Taka 500". B may prove the verbal warranty.

(h) A hires lodgings of B, and gives a card on which is written-"Rooms Taka 200 a month". A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement, drawn up by an attorney, is made between them. It is silent on the subject of board. A may not prove that board was included in the term verbally.

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(i) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount A may prove this.

(j) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

Exclusion of evidence to explain or amend ambiguous document

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

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Illustrations

(a) A agrees, in writing, to sell a horse to B for Taka 1,000 or Taka 1,500. Evidence cannot be given to show which price was to be given.

(b) A deed contains blanks. Evidence cannot be given of facts which would show how they were meant to be filled.

Exclusion of evidence against application of document of existing facts

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

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Illustration

A sells to B, by deed, "my estate at Rangpur containing 100 bighas". A has an estate at Rangpur containing 100 bighas. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

Evidence as to document unmeaning in reference to existing facts

The Evidence Act, 1872

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Illustrations

A sells to B, by deed "my house in [63][Dhaka]".

A had no house in [64][Dhaka], but it appears that he had a house at [65][Narayanganj], of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at [66][Narayanganj].

Evidence as to application of language which can apply to one only of several persons

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The Evidence Act, 1872

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Illustrations

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(a) A agrees to sell to B, for Taka 1,000, "my white horse". A has two white horses. Evidence may be given of facts which show which of them was meant.

(b) A agrees to accompany B to [67][Saidpur]. Evidence may be given of facts showing whether [68][Saidpur in Khulna or Saidpur in Rangpur] was meant.

Evidence as to application of language to one of two sets of facts, to neither of which the whole correctly applies

The Evidence Act, 1872

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Illustration

A agrees to sell to B "my land at X in the occupation of Y". A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

Evidence as to meaning of illegible characters, etc.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local and provincial expressions, of abbreviations and of words used in a peculiar sense.

Illustration

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A, a sculptor, agrees to sell to B, "all my mods". A has both models and modeling tools. Evidence may be given to show which he meant to sell.

Who may give evidence of agreement varying terms of document

99. Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the terms of the document.

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Illustration

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C, if it affected his interests.

Saving of provisions of Succession Act relating to wills

The Evidence Act, 1872

100. Nothing in this Chapter contained shall be taken to affect any of the provisions of the [69][Succession Act, 1925] as to the construction of wills.

PART III

PRODUCTION AND EFFECT OF EVIDENCE

CHAPTER VII

OF THE BURDEN OF PROOF

Burden of proof

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

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When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations

(a) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

(b) A desires a Court to give judgment that he is entitled to certain land in the possession of B, by reason of facts which he asserts, and which B denies, to be true.

A must prove the existence of those facts.

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On whom burden of proof lies

102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

The Evidence Act, 1872

Illustrations

(a) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

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(b) A sues B for money due on a bond.

The execution of the bond is admitted, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed as the bond is not disputed and the fraud is not proved.

Therefore the burden of proof is on B.

Burden of proof as to particular fact

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

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Illustration

(a) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

Burden of proving fact to be proved to make evidence admissible

104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

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Illustrations

(a) A wishes to prove a dying declaration by B. A must prove B's death.

(b) A wishes to prove, by secondary evidence, the contents of a lost document.

A must prove that the document has been lost.

The Evidence Act, 1872

Burden of proving that case of accused comes within exceptions

105. When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the [70][* * *] Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Illustrations

(a) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act.

The burden of proof is on A.

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(b) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control.

The burden of proof is on A.

(c) Section 325 of the [71][* * *] Penal Code provides that whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be subject to certain punishments.

A is charged with voluntarily causing grievous hurt under section 325.

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The burden of proving the circumstances bringing the case under section 335 lies on A.

Burden of proving fact especially within knowledge

106. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Illustrations

(a) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(b) A is charged with traveling on a railway without a ticket. The burden of proving that he had a ticket is on him.

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Burden of proving death of person known to have been alive within thirty years

107. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

Burden of proving that person is alive who has not been heard of for seven years

108. Provided that when the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

The Evidence Act, 1872

Burden of proof as to relationship in the cases of partners, landlord and tenant, principal and agent

109. When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

Burden of proof as to ownership

110. When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Proof of good faith in transactions where one party is in relation of active confidence

111. Where there is a question as to the good faith of a transaction between parties, one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

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Illustrations

The Evidence Act, 1872

(a) The good faith of a sale by a client to an attorney is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney.

(b) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

Birth during marriage conclusive proof of legitimacy

112. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

[Omitted]

113. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Court may presume existence of certain facts

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The Evidence Act, 1872

114. The court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.

Illustrations

The Court may presume –

(a) that a man who is in possession of stolen goods soon after the theft, is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession;

(b) that an accomplice is unworthy of credit, unless he is corroborated in material particulars;

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(c) that a bill of exchange, accepted or endorsed, was accepted or endorsed for good consideration;

(d) that a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence;

(e) that judicial and official acts have been regularly performed;

(f) that the common course of business has been followed in particular cases;

(g) that evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it;

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(h) that, if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him;

(i) that when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before it:–

as to illustration (a) –A shop-keeper has in his till a marked Taka soon after it was stolen, and cannot account for its possession specifically, but is continually receiving Taka in the course of his business:

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as to illustration (b)–A, a person of the highest character, is tried for causing a men's death by an act of negligence in arranging certain machinery. B, a person of equally good character, who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself:

as to illustration (b)–a crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable:

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as to illustration (c)–A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence:

as to illustration (d)–it is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course:

as to illustration (e)–a judicial act, the regularity of which is in question, was performed under exceptional circumstances:

as to illustration (f)–the question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances:

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as to illustration (g)–a man refuses to produce document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family:

as to illustration (h)–a man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked:

as to illustration (i)–a bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

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CHAPTER VIII

ESTOPPEL

Estoppel

115. When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing.Illustration

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

Estoppel of tenant; and of licensee of person in possession

116. No tenant of immovable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property; and no person who came upon any immovable property by the license of the person in possession thereof shall be permitted to deny that such person had a title to such possession at the time when such license was given.

Estoppel of acceptor of bill of exchange, bailee or licensee

117. No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it; nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

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Explanation (1).–The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Explanation (2).–If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX

OF WITNESSES

Who may testify

118. All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

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Explanation.–A lunatic is not incompetent to testify, unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

Dumb witnesses

119. A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible,

as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

Parties to civil suit, and their wives or husbands Husband or wife of person under criminal trail

120. In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit, shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

Judges and Magistrates

121. No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge and Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate: but he may be examined as to other matters which occurred in his presence whilst he was so acting.

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Illustrations

(a) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a superior Court.

(b) A is accused before the Court of Session of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the superior Court.

(c) A is accused before the Court of Session of attempting to murder a police-officer whilst on his trail before B, a Sessions Judge. B may be examined as to what occurred.

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Communications during marriage

122. No person who is or has been married shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married: nor shall he be permitted to disclose any such communication, unless the person who made it, or his representative

in interest, consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

Evidence as to affairs of State

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Official communications

124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

Information as to commission of offences

125. No Magistrate or Police-officer shall be compelled to say whence he got any information as to the commission of any offence, and no Revenue-officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue.

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Explanation.–"Revenue-officer" in this section means any officer employed in or about the business of any branch of the public revenue.

Professional communications

The Evidence Act, 1872

126. No [72][Advocate] shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such Advocate by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure–

(1) any such communication made in furtherance of any illegal purpose:

(2) any fact observed by any [73][Advocate], in the course of his employment as such, showing that any crime of fraud has been committed since the commencement of his employment.

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The Evidence Act, 1872

It is immaterial whether the attention of such [74][Advocate] was or was not directed to such fact by or on behalf of his client.

Explanation.– The obligation stated in this section continues after the employment has ceased.

Illustrations

(a) A, a client, says to B, an [75][advocate]–"I have committed forgery and I wish you to defend me."

As the defense of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

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(b) A, a client, says to B, an [Advocate] - "I wish to obtain possession of property by the use of a forged deed on which I request you to sue."

The communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(c) A, being charged with embezzlement, retains B, an [advocate], to defend him. In the course of the proceedings, B observes that an entry has been made in A's account book, charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

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This being a fact observed by B in the course of his employment, showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

Section 126 to apply to interpreters, etc.

The Evidence Act, 1872

127. The provisions of section 126 shall apply to interpreters and the clerks or servants of [76][Advocate].

Privilege not waived by volunteering evidence

128. If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section 126; and, if any party to a suit or proceeding calls any such [Advocate] as a witness, he shall be deemed to have consented to such disclosure only if he questions such [Advocate] on matters which, but for such question, he would not be at liberty to disclose.

Confidential communications with legal advisers

129. No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

Production of title-deed of witness, not a party

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee or any document the production of which might tend to criminate him, unless he has agreed in writing to

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produce them with the person seeking the production of such deeds or some person through whom he claims.

Production of documents which another person, having possession, could refuse to produce

131. No one shall be compelled to produce documents in his possession, which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

Witness not excused from answering on ground that answer will criminate

132. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend directly or indirectly to criminate, such witness, or that it will expose, or tend directly or indirectly to expose, such witness to a penalty or forfeiture of any kind:

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Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

Accomplice

The Evidence Act, 1872

133. An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

Number of witnesses

134. No particular number of witnesses shall in any case be required for the proof of any fact.

CHAPTER X

OF THE EXAMINATION OF WITNESSES

Order of production and examination of witnesses

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to civil and criminal procedure respectively, and, in the absence of any such law, by the discretion of the Court.

Judge to decide as to admissibility of evidence

136. When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant and not otherwise.

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The Evidence Act, 1872

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact, and the Court is satisfied with such undertaking.

If the relevancy of on alleged fact depends upon another alleged fact being first proved, the Judge may, in his discretion, either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

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Illustrations

(a) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section 32.

The fact that the person is dead must be proved by the person proposing to prove the statement, before evidence is given of the statement.

(b) It is proposed to prove, by a copy, the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy, before the copy is produced.

(c) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

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The Evidence Act, 1872

The relevancy of the denial depends on the identity of the property. The Court may, in its discretion, either require the property to be identified before the denial of the possession is proved, or permit the denial of possession to be proved before the property is identified.

(d) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact (A) can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

Examination-in-chief

137. The examination of a witness by the party who calls him shall be called his examination-in-chief.

Cross-examination

The examination of a witness by the adverse party shall be called his cross-examination.

Re-examination

The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.

Order of examinations

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The Evidence Act, 1872

138. Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

The examination and cross-examination must relate to relevant facts but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

Direction of re-examination

The re-examination shall be directed to the explanation of matters referred to in cross-examination; and, if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine upon that matter.

Cross-examination of person called to produce a document

139. A person summoned to produce a document does not become a witness by the mere fact that he produces it and cannot be cross-examined unless and until he is called as a witness.

Witnesses to character

140. Witnesses to character may be cross-examined and re-examined.

Leading questions

141. Any question suggesting the answer which the person putting it wishes or expects to receive is called a leading question.

When they must not be asked

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The Evidence Act, 1872

142. Leading questions must not, if objected to by the adverse party be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

When they may be asked

143. Leading questions may be asked in cross-examination.

Evidence as to matters in writing

144. Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property, as to which he is giving evidence, was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

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Explanation.– A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration

The question is, whether A assaulted B.

C deposes that he heard A says to D-"B wrote a letter accusing me of theft, and I will be revenged on him." This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

Cross-examination as to previous statements in writing

145. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

Questions lawful in cross-examination

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The Evidence Act, 1872

146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend –

(1) to test his veracity,

(2) to discover who he is and what is his position in life, or

(3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him or might expose or tend directly or indirectly to expose him to a penalty or forfeiture[77][:

Provided that in a prosecution for an offence of rape or attempt to rape, no question under clause (3) can be asked in the cross-examination as to general immoral character or previous sexual behaviour of the victim:

Provided further that such question can only be asked with the permission of the Court, if it appears to the Court necessary for the ends of justice.]

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The Evidence Act, 1872

When witness to be compelled to answer

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

Court to decide when question shall be asked and when witness compelled to answer

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:-

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(1) such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies;

(2) such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in

a slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies:

(3) such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence:

(4) the Court may, if it sees fit, draw, from the witness's refusal to answer, the inference that the answer if given would be unfavourable.

Question not to be asked without reasonable grounds

149. No such question as is referred to in section 148 ought to be asked, unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

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Illustrations

The Evidence Act, 1872

(a) An [78][advocate] is instructed by a [79][client] that an important witness is a dakait. This is a reasonable ground for asking the witness whether he is a dakait.

(b) A pleader is informed by a person in Court that an important witness is a dakait. The informant, on being questioned by the pleader, gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dakait.

(c) A witness, of whom nothing whatever is known, is asked at random whether he is a dakait. There are here no reasonable grounds for the question.

(d) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dakait.

Procedure of Court in case of question being asked without reasonable grounds

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The Evidence Act, 1872

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any [80][Advocate], report the circumstances of the case to the [81][High Court Division] or other authority to which such [82][Advocate] is subject in the exercise of his profession.

Indecent and scandalous questions

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Questions intended to insult or annoy

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

Exclusion of evidence to contradict answers to questions testing veracity

153. When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but, if he answers falsely, he may afterwards be charged with giving false evidence.

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Exception 1.– If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

Exception 2.– If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

Illustrations

(a) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim.

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The evidence is inadmissible.

(b) A witness is asked whether he was not dismissed from a situation for dishonesty.

He dines it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(c) A affirms that on a certain day he saw B at [83][Khulna].

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A is asked whether he himself was not on that day at Chittagong. He denies it.

Evidence is offered to show that A was on that day at Chittagong.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in [84][Khulna].

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

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(d) A is asked whether his family has not had a blood feud with the family of B against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

Question by party to his own witness

154. The Court may, in its discretion, permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Impeaching credit of witness

155. The credit of a witness may be impeached in the following ways by the adverse party, or, with the consent of the Court, by the party who calls him:-

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(1) by the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit;

(2) by proof that the witness has been bribed, or has accepted the offer of a bribe, or has received any other corrupt inducement to give his evidence;

The Evidence Act, 1872

(3) by proof of former statements inconsistent with any part of his evidence which is liable to be contradicted;

[85][***]

Explanation.–A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

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Illustrations

The Evidence Act, 1872

(a) A sues B for the price of goods sold and delivered to B. C says that A delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(b) A is indicted for the murder of B.

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C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence. The evidence is admissible.

Questions tending to corroborate evidence of relevant fact admissible

156. When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

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Illustration

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

The Evidence Act, 1872

Former statements of witness may be proved to corroborate later testimony as to same fact

157. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

What matters may be proved in connection with proved statement relevant under section 32 or 33

158. Whenever any statement, relevant under section 32 or 33, is proved, all matters may be proved either in order to contradict or to corroborate it, or in order to impeach or confirm the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested.

Refreshing memory

159. A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

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The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

The Evidence Act, 1872

When witness may use copy of document to refresh memory

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document:

Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treatises.

Testimony to facts stated in document mentioned in section 159

160. A witness may also testify to facts mentioned in any such document as is mentioned in section 159, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

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Illustration

The Evidence Act, 1872

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business, if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

Right of adverse party as to writing used to refresh memory

161. Any writing referred to under the provisions of the two last preceding sections must be produced and shown to the adverse party if he requires it: such party may, if he pleases, cross-examine the witness thereupon.

Production of documents

162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

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The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

Translation of documents

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in

evidence: and, if the interpreter disobeys such direction, he shall be held to have committed an offence under section 166 of the [86][* * *] Penal Code.

Giving, as evidence, of document called for and produced on notice

163. When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

Using, as evidence, of document production of which was refused on notice

164. When a party refuses to produce a document which he has had notice to produce, he cannot afterwards use the document as evidence without the consent of the other party or the order of the Court.

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Illustration

A sues B on an agreement and gives B notice to produce it. At the trail A calls for the document and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

The Evidence Act, 1872

Judge's power to put questions or order production

165. The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases, in any form, at any time, of any witness, or of the parties about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

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Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved:

Provided also that this section shall not authorize any Judge to compel any witness to answer any question or to produce any document which such witness would be entitled to refuse to

answer or produce under sections 121 to 131, both inclusive, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would

be improper for any other person to ask under section 148 or 149; nor shall he dispense with primary evidence of any document, except in the cases herein- before excepted.

Power of jury or assessors to put questions

166. In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses, through or by leave of the Judge, which the Judge himself might put and which he considers proper.

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CHAPTER XI

OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE

No new trial for improper admission or rejection of evidence

167. The improper admission or rejection of evidence shall not be ground of itself for a new trail or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

The Evidence Act, 1872

- [1]

Throughout this Act, except otherwise provided, the words "Bangladesh", "Government" and "Taka" were substituted, for the words "Pakistan", "Central Government" and "rupees" or "Rs." respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [2]

Throughout this Act, except otherwise provided, the words "Bangladesh", "Government" and "Taka" were substituted, for the words "Pakistan", "Central Government" and "rupees" or "Rs." respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- [3]

The words, commas and figures "Army Act, 1952, the Naval Discipline Ordinance, 1961 or the Air Force Act, 1953" were substituted, for the words, commas and figures "Army Act, the Naval Discipline Act or that Act as modified by the Pakistan Navy (Discipline) Act, 1934, or the Air Force Act" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [4]

The words “and includes any digital record” were inserted by section 2(a) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [5]

The expression “Digital record” or “electronic record” was inserted by section 2(b) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

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The Evidence Act, 1872

- [6]

Sub-clause (3) was inserted after Sub-clause (2) by section 2(c)(i) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [7]

The expressions "Digital Signature" or "electronic Signature", "Digital Signature Certificate" and "Certifying Authority" were inserted by section 2(c)(ii) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [8]

The word "Advocate" was substituted, for the word "vakils" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [9]

The word "Khulna" was substituted, for the word "Karachi" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [10]

The word "Pabna" was substituted, for the word "Multan" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [11]

The word "Dhaka" was substituted, for the word "Lahore" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [12]

The word "Dhaka" was substituted, for the word "Lahore" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [13]

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The Evidence Act, 1872

The words “or contained in digital record” were inserted by section 3 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [14]

The word "Dhaka" was substituted, for the word "Lahore" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [15]

The word "Dhaka" was substituted, for the word "Lahore" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [16]

Section 22A was inserted by section 4 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [17]

The word "Advocate" was substituted, for the words and commas "barrister, pleader, attorney or vakil" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [18]

The figure "1898" was substituted, for the figure "1882" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [19]

The word "Chittagong" was substituted, for the word "Karachi" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [20]

The word "Chittagong" was substituted, for the word "Karachi" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

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The Evidence Act, 1872

- [21]

The word "Chittagong" was substituted, for the word "Karachi" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [22]

The words “or digital record” were inserted after the word “account” by section 5(a) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [23]

The words “or digital record” were inserted after the word “account” by section 5(b) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [24]

The words “or digital record” were inserted after the word “record” by section 6(a) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [25]

The comma and words “, record or digital record” were substituted for the words “or record” by section 6(b) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [26]

The comma and words “, record or digital record” were substituted for the words “or record” by section 6(b) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [27]

The comma and words “, plans and digital record” were substituted for the words “and plans” by section 7(a) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

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The Evidence Act, 1872

- [28]

The words and comma “maps, charts or digital record” were substituted for the words “maps or charts” by section 7(b) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [29]

The words and comma “maps, plans or digital record” were substituted for the words “maps or plans” by section 7(c) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [30]

The words and comma “maps, charts, plans or digital record” were substituted for the words and comma “maps, charts or plans” by section 7(d) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [31]

The words "Act of Parliament" were substituted, for the words and commas "Act of the Central Legislature, or of any other legislative authority in Pakistan, constituted by any laws for the time being in force" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [32]

The words and comma "or notification by the Crown Representative appearing in the official Gazette or in any printed paper purporting to be the London Gazette or the Government Gazette of any Dominion, Colony or possession of His Majesty" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [33]

The words and comma “book, digital record” were substituted for the word “book” by section 8(a) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [34]

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The Evidence Act, 1872

The words and comma “forms part of a book, or of part of a digital record” were substituted for the words and comma “forms part of a book,” by section 8(b) of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [35]

Section 45 was substituted by section 9 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [36]

Section 45A was inserted by section 10 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [37]

Section 47A was inserted by section 11 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [38]

The word "Pakistan" was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [39]

Clause (1) was substituted, for the former clause (1) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [40]

The words "any Legislature which had Power to legislate in respect of territories now comprised in Bangladesh" were substituted, for the words "the Central Legislature and any Legislature established under any laws for the time being in force in Pakistan" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [41]

Clause (6) was substituted, for the former clause (6) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

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The Evidence Act, 1872

- [42]

The words "under the dominion" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [43]

The words and commas “attorneys, proctors, vakils, pleaders” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [44]

Sections 65A was inserted by section 12 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [45]

Sections 65B was inserted by section 12 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [46]

Section 67A was inserted by section 13 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [47]

Sections 73A was inserted by section 14 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [48]

Sections 73B was inserted by section 14 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [49]

Clause (1) was substituted, for the former clause (1) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [50]

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The Evidence Act, 1872

The words and comma "Parliament and of any legislature which had power to legislate in respect of territories now comprised in Bangladesh," were substituted, for the word “Legislatures” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 51

The word “concerned” was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 52

The words "Act of Parliament" were substituted, for the words “Central Act” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 53

The word “Government” was substituted, for the words and comma “Central Government or a Provincial Government, or by any officer in an Acceding State or non-Acceding State who is duly authorized thereto by the Central Government” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 54

Section 81A was inserted by section 15 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- 55

The words "every book or Gazette" were substituted, for the words “every book” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 56

The words "every book or Gazette" were substituted, for the words “every book” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 57

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The Evidence Act, 1872

Sections 85A was inserted by section 16 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

58

Sections 85B was inserted by section 16 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

59

Sections 85C was inserted by section 16 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

60

Section 88A was inserted by section 17 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

61

Section 89A was inserted by section 18 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

62

Section 90A was inserted by section 19 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

63

The word "Dhaka" was substituted, for the word "Karachi" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

64

The word "Dhaka" was substituted, for the word "Karachi" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

65

The word "Narayanganj" was substituted, for the word "Keamari" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

66

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The word "Narayanganj" was substituted, for the word "Keamari" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 67

The word "Saidpur" was substituted, for the word "Haidarabad" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 68

The words "Saidpur in Khulna or Saidpur in Rangpur" were substituted, for the words "Haiderabad in the Dekkhan or Haiderabad in Sind" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 69

The words, comma and figure "Succession Act, 1925" were substituted, for the words "Indian Succession Act (X of 1865)" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 70

The word "Pakistan" was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 71

The word "Pakistan" was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 72

The word "Advocate" was substituted, for the words "barrister, pleader, attorney or vakil" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 73

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The Evidence Act, 1872

The word "Advocate" was substituted, for the words "barrister, pleader, attorney or vakil" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [74]

The word "Advocate" was substituted, for the words "barrister, pleader, attorney or vakil" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [75]

The word "advocate" was substituted, for the word "attorney" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [76]

The word "Advocate" was substituted, for the words "barrister, pleader, attorney or vakil" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [77]

The colon (:) was substituted for the full-stop (.) and the proviso was added by section 20 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- [78]

The word "advocate" was substituted, for the word "barrister" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [79]

The word "client" was substituted, for the words "attorney or vakil" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- [80]

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The Evidence Act, 1872

The word "Advocate" was substituted, for the words "barrister, pleader, vakil or attorney" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 81

The words "High Court Division" were substituted, for the words "High Court" by section 3 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 82

The word "Advocate" was substituted, for the words "barrister, pleader, vakil or attorney" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 83

The word "Khulna" was substituted, for the word "Lahore" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

- 84

The word "Khulna" was substituted, for the word "Lahore" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973

- 85

Sub-section (4) was omitted by section 21 of the Evidence (Amendment) Act, 2022 (Act No XX of 2022).

- 86

The word "Pakistan" was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

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অপরাধ সংক্রান্ত আইন-

বিচারক নাজমুল হাসান

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